

8278. By the **SPEAKER**: Petition of Louise Eovino, Cliffside Park, N. J., petitioning consideration of resolution with reference to House Joint Resolution 408, concerning a national referendum; to the Committee on Military Affairs.

8279. Also, petition of the Pontiac Industrial Union Council, Pontiac, Mich., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

8280. Also, petition of Constantin Doncca, 17217 Marx, petitioning consideration of their resolution with reference to antialien bills; to the Committee on Immigration and Naturalization.

8281. Also, petition of Local Union No. 443, International Brotherhood of Electrical Workers, petitioning consideration of their resolution with reference to United States Housing Authority; to the Committee on Banking and Currency.

8282. Also, petition of the Brotherhood of Sleeping Car Porters, New York City, N. Y., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

SENATE

THURSDAY, MAY 16, 1940

(Legislative day of Wednesday, April 24, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, who at this moment dost call us by the providence of events to take a lowlier estimate not of our tasks but of ourselves, that we may be the better fitted for the service of our high calling: Grant that we may never be unmindful of Thy great goodness to us as a people, and do Thou remember, Lord, no more our sins and our iniquities.

Make us, then, both thankful and humble as we loose the shoes from off our feet because the ground on which we stand at this crisis of the world is holy ground and we can but wait in hushed silence to hear what Thou wouldst say to us. Bless our President with wisdom from on high as he leads our Nation in these uniting days of a common anxiety, and help us all to be the instruments of Thy purpose as we learn that tasks willed in hours of insight can be fulfilled through hours of gloom. In the Saviour's name we ask it. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Wednesday, May 15, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7079) to provide for the appointment of additional district and circuit judges.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 6, 19, 40, 85, 90, 96, 100, 101, 102, 104, 107, and 111 to the bill, and severally concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 8, 12, 13, 44, 45, 95, 99, 103, and 110 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate,

and that the House insisted upon its disagreement to the amendments of the Senate numbered 17, 20, 21, 37, 39, 41, 42, 43, 60, 61, 65, 66, and 105 to the bill.

The message further announced that the House of Representatives had agreed to a concurrent resolution (H. Con. Res. 67) providing that the two Houses of Congress assemble in the Hall of the House of Representatives at 1 o'clock p. m. today, May 16, 1940, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

JOINT MEETING OF THE TWO HOUSES

Mr. BARKLEY. Mr. President, I ask that the House Concurrent Resolution 67 be now laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution coming over from the House of Representatives, which will be read.

The Chief Clerk read the resolution (H. Con. Res. 67), as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, the 16th day of May 1940, at 1 p. m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the House concurrent resolution and that it be concurred in.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

Mr. JOHNSON of Colorado. Mr. President, reserving the right to object, may I inquire if, when the Senate returns to its Chamber and resumes the consideration of House bill 9243, I will be given the floor?

Mr. BARKLEY. The Senator from Colorado can proceed now, if he wants to do so. It is not intended that the Senate shall proceed to the Chamber of the House of Representatives until about 20 minutes to 1.

The VICE PRESIDENT. The Chair will say to the Senator from Colorado that an examination of the Record this morning discloses that the Senator from Colorado has not completed his remarks, and it is the purpose of the Chair to recognize the Senator from Colorado to conclude his remarks. The adoption of the concurrent resolution of the House of Representatives will not interfere with that procedure, if there is no objection.

Mr. JOHNSON of Colorado. I understand.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky that the House resolution be concurred in? The Chair hears none, and the resolution is concurred in.

Mr. BARKLEY. I will say to the Senator from Colorado that if he desires to proceed now and shall not have concluded his remarks when the Senate goes to the Hall of the House of Representatives, he will, of course, be permitted to do so on the return of the Senate to its Chamber.

Mr. JOHNSON of Colorado. I am anxious to proceed with my remarks, and if I shall not have concluded at the time of the recess, I desire to continue after the Senate returns to its Chamber.

The VICE PRESIDENT. Does the Senator from Kentucky desire to move an order with reference to proceeding to the Hall of the House of Representatives?

Mr. BARKLEY. I ask unanimous consent that at not later than 20 minutes to 1 o'clock p. m. the Senate proceed to the Hall of the House of Representatives for the joint session of the two Houses.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

CALL OF THE ROLL

Mr. BARKLEY. I think we should have a quorum, and I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lee	Schwartz
Andrews	Donahay	Lodge	Sheppard
Ashurst	Ellender	Lucas	Shipstead
Austin	George	Lundeen	Slattery
Bailey	Gerry	McCarran	Smathers
Barbour	Gibson	McKellar	Stewart
Barkley	Gillette	McNary	Thomas, Idaho
Billbo	Glass	Mead	Thomas, Okla.
Bone	Guffey	Miller	Thomas, Utah
Bridges	Gurney	Minton	Tobey
Brown	Hale	Murray	Townsend
Bulow	Harrison	Neely	Truman
Burke	Hatch	Norris	Tydings
Byrd	Hayden	Nye	Van Nuys
Byrnes	Herring	O'Mahoney	Wagner
Capper	Hill	Overton	Walsh
Caraway	Holman	Pepper	Wheeler
Chandler	Hughes	Pittman	White
Chavez	Johnson, Calif.	Radcliffe	Wiley
Clark, Mo.	Johnson, Colo.	Reed	
Connally	King	Reynolds	
Danaher	La Follette	Russell	

Mr. MINTON. I announce that the Senator from Washington [Mr. SCHWELLENBACH] is absent from the Senate because of illness in his family.

The Senator from California [Mr. DOWNEY] is detained on official business.

The Senator from Rhode Island [Mr. GREEN] is unavoidably detained.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Idaho [Mr. CLARK], the Senator from Connecticut [Mr. MALONEY], and the Senator from South Carolina [Mr. SMITH] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Ohio [Mr. TAFT], the Senator from Michigan [Mr. VANDENBERG], and the Senator from North Dakota [Mr. FRAZIER] are necessarily absent.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of directors of the National Farm Loan Association, of Evart, Mich., praying for the enactment, with certain suggested amendments, of the bill (H. R. 8748) to reduce permanently the interest rates on Federal land-bank and land-bank commissioner loans; to relieve Federal land-bank borrowers of stock liability; to place the Federal land banks on a self-supporting basis; to refund and guarantee the bonds of such banks; to increase the functions and responsibilities of national farm-loan associations and county committees of farmers; to provide for the adjustment and refinancing of farm-mortgage debts; to limit the institution of foreclosure proceedings and the taking of deficiency judgments; and for other purposes, which was referred to the Committee on Banking and Currency.

He also laid before the Senate resolutions of the Women's International League for Peace and Freedom, Maryland branch, Baltimore, Md., favoring a continuous session of Congress through the summer months so as to keep the Nation out of war, and also favoring the full application of the neutrality law, and especially requesting that the provisions of law covering loans and credits to foreign countries may remain intact, etc., which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution of the Georgia Women's Democratic Club, Atlanta, Ga., favoring the return of Civilian Conservation Corps camp supervision to officers of the Army and inclusion in the program of corps activities the basic fundamentals of military training in the interest of national security, which was referred to the Committee on Military Affairs.

Mr. LODGE presented a memorial of sundry citizens of the State of Massachusetts, remonstrating against the enactment of the bill (H. R. 9000) to provide more adequate compensation for certain dependents of World War veterans, and for other purposes, which was referred to the Committee on Finance.

RESTRICTION OF IMMIGRATION—PETITION

Mr. REYNOLDS. Mr. President, I ask consent to present for appropriate reference a petition to the Senate in the form of a resolution from We the Americans, of Philadelphia, Pa. I request that the petition may be printed in the RECORD, and also that Senate bill 3730, introduced by me, providing for the limitation of immigration, be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The petition was referred to the Committee on Immigration, as follows:

WE THE AMERICANS, INC.,
Philadelphia, Pa., May 2, 1940.

A PETITION

To the Senate of the United States:

Whereas conditions in the United States make it imperative that immigration be restricted and, if possible, prohibited; and

Whereas immediate action to restrict or prohibit such immigration is necessary: Now, therefore, be it

Resolved, That We the Americans, Inc., a national organization for the protection of constitutional government and for other purposes, hereby petitions the Congress of the United States to adopt, without amendment or amendments, S. 3730, a bill to limit immigration, etc.

Respectfully submitted.

WE THE AMERICANS, INC.,
H. A. RENNER, Secretary.

Attest:

Senate bill 3730, introduced by Mr. REYNOLDS and referred to the Committee on Immigration on April 8, 1940, is as follows:

Be it enacted, etc., That from and after July 1, 1940, no immigration visas shall be issued under subdivision (c) of section 4 of the Immigration Act of 1924, but all the provisions of the immigration laws shall be applicable to immigrants born in any of the geographical areas specified in such subdivision as if each of such areas had at that time a quota equal to the average number of immigrants admitted into the United States from such areas during the fiscal years 1936 to 1939, inclusive.

SEC. 2. The provisions of this act are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this act. An alien, although admissible under the provisions of this act, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this act, and an alien, although admissible under the provisions of the immigration laws other than this act, shall not be admitted to the United States if he is excluded by any provision of this act.

REPORTS OF COMMITTEES

Mr. TOBEY, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3307. A bill to amend an act entitled "An act for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles," approved July 15, 1939 (Rept. No. 1618);

S. 3868. A bill for the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration (Rept. No. 1619); and

H. R. 4349. A bill for the relief of the estate of Lewis Marion Garrard Hale (Rept. No. 1620).

Mr. HUGHES, from the Committee on Claims, to which was referred the bill (S. 3978) for the relief of certain former employees of the National Reemployment Service, reported it without amendment and submitted a report (No. 1621) thereon.

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (S. 3916) for the relief of Lawrence T. Post, G. F. Allen, and D. Buddrus, reported it without amendment and submitted a report (No. 1622) thereon.

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (S. 3351) for the relief of I. M. Cooke, J. J. Allen, and the Radiator Specialty Co., reported it with amendments and submitted a report (No. 1623) thereon.

Mr. GEORGE, from the Committee on Finance, to which was referred the bill (S. 2679) to amend the Independent Offices Appropriation Act, 1934, as amended, with respect to the authority of the Attorney General to compromise suits

on certain contracts of insurance reported it without amendment and submitted a report (No. 1624) thereon.

He also, from the same committee, to which was recommended the bill (H. R. 6687) to authorize the levy of State, Territory, and District of Columbia taxes upon, with respect to, or measured by sales, purchases, or use of tangible personal property or upon sellers, purchasers, or users of such property measured by sales, purchases, or use thereof occurring in United States national parks, military and other reservations, or sites over which the United States Government may have jurisdiction, reported it with amendments and submitted a report (No. 1625) thereon.

Mr. CLARK of Missouri, from the Committee on Finance, to which was referred the bill (S. 1910) to extend the time within which applications for benefits under the World War Adjusted Compensation Act, as amended, may be filed, reported it with an amendment and submitted a report (No. 1626) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the resolution (S. Res. 268) continuing the authority for a study of the telegraph industry in the United States (submitted by Mr. WHEELER on the 13th instant), reported it without amendment and submitted a report (No. 1627) thereon.

Mr. BILBO, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 256) designating a day to be observed as Doctor's Day, reported it without amendment.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURKE:

S. 3994. A bill for the relief of certain disbursing officers of the Treasury Department, the Department of the Interior, and the Army; to the Committee on Claims.

By Mr. HATCH:

S. 3995. A bill granting a pension to Martha Jane McCord (with accompanying papers); to the Committee on Pensions.

By Mr. BILBO:

S. 3996. A bill for the relief of the Magnolia Realty Co.; to the Committee on Claims.

Mr. REYNOLDS. Mr. President, I ask consent to introduce for proper reference a bill in the interest of a veteran of the World War, a friend of mine.

The VICE PRESIDENT. Without objection, the bill will be received and appropriately referred.

By Mr. REYNOLDS:

S. 3997. A bill to authorize the Administrator of Veterans' Affairs to grant domiciliary care and medical and hospital treatment to former members of the military and naval services who received such care or treatment prior to March 20, 1933; to the Committee on Finance.

CONSTRUCTION OF HOSPITALS—AMENDMENT

Mr. BARBOUR submitted an amendment intended to be proposed by him to the bill (S. 3230) to promote the national health and welfare through appropriation of funds for the construction of hospitals, which was ordered to lie on the table and to be printed.

ADDRESS BY SENATOR THOMAS OF UTAH ON ORDERLY CONTROL IN A WORLD OF CONFLICT

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address delivered by Senator THOMAS of Utah at the thirty-fourth annual banquet of the American Institute of International Law on May 15, 1940, on the subject Orderly Control in a World of Conflict, which appears in the Appendix.]

ADDRESS BY THE SECRETARY OF STATE BEFORE EIGHTH AMERICAN SCIENTIFIC CONGRESS

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD the address delivered by Hon. Cordell Hull, Secretary of State, at the first plenary session of the Eighth American Scientific Congress, held at the Pan American Union, Washington, D. C., May 13, 1940, which appears in the Appendix.]

RECORD OF THE DEMOCRATIC PARTY—ADDRESS BY HON. JAMES A. FARLEY

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley at a dinner of the Duckworth Democratic Club in Cincinnati, Ohio, on May 10, 1940, which appears in the Appendix.]

THE UNEMPLOYMENT PROBLEM—ADDRESS BY MSGR. JOHN A. RYAN

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address entitled "Can Unemployment Be Ended?" delivered by the Right Reverend Monsignor John A. Ryan, D. D., at the regional meeting of the Catholic conference on industrial problems at New Orleans, La., on May 8, 1940, which appears in the Appendix.]

PEAK EMPLOYMENT AT EASTMAN KODAK CO. PLANT

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article from the Democrat and Chronicle of Rochester, N. Y., relative to employment at the Eastman Kodak Co. works, which appears in the Appendix.]

EDITORIAL FROM DAILY OKLAHOMAN ON NATIONAL DEFENSE

[Mr. LEE asked and obtained leave to have printed in the RECORD an editorial from the Daily Oklahoman of May 14, 1940, under the heading "It Can Happen Here," which appears in the Appendix.]

ENDORSEMENT OF HOSPITAL CONSTRUCTION ACT

[Mr. WAGNER asked and obtained leave to have printed in the RECORD telegrams from Dr. Bert W. Caldwell and Dr. John P. Peters, and a letter from Edward A. O'Neal, president of the American Farm Bureau Federation, and resolutions adopted by Associated Women of American Farm Bureau Federation with regard to the pending Hospital Construction Act, which appear in the Appendix.]

COOPERATION BETWEEN LABOR, INDUSTRY, AND GOVERNMENT—ADDRESS BY DANIEL J. TOBIN

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a radio address, entitled "Cooperation Between Labor, Industry, and Government," delivered by Mr. Daniel Tobin on May 13, 1940, which appears in the Appendix.]

THE CIVILIAN CONSERVATION CORPS

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a statement relative to the activities and accomplishments of the Civilian Conservation Corps, which appears in the Appendix.]

ADDRESS BY PLACIDO L. MAPA ON PHILIPPINE INDEPENDENCE

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an address on the subject of Philippine independence delivered by Placido L. Mapa at the convocation of the College of Commerce, Ateneo de Manila, Philippine Islands, December 6, 1939, which appears in the Appendix.]

ADDITIONAL NAVAL BASES IN THE CARIBBEAN AREA

[Mr. REYNOLDS asked and obtained leave to have printed in the Appendix an article by Thomas L. Stokes entitled "Caribbean Bases Urged by Senate Naval Group," published in the Washington Daily News of Thursday, May 16, 1940, which appears in the Appendix.]

AMERICAN AIRPLANE CONSTRUCTION

[Mr. WILEY asked and obtained leave to have printed in the RECORD an editorial from the Chicago Daily News of May 13, 1940, with regard to airplane production capacity, which appears in the Appendix.]

ARMY PROMOTION SYSTEM

The Senate resumed the consideration of the bill (H. R. 9243) to provide for the promotion of promotion-list officers of the Army after specified years of service in grade, and for other purposes.

Mr. JOHNSON of Colorado. Mr. President, yesterday, in my discussion of the pending measure—House bill 9243, to provide for the promotion of promotion-list officers of the Army after specified years of service in grade, and for other purposes—I established the fact that its enactment would place a heavy and unnecessary financial burden upon the taxpayers, and at the same time would place a heavy financial

burden upon all promotion-list officers. Every officer retired under its provisions would cost the Federal Treasury an outright cash expenditure of \$18,000, and the loss of \$10,000 additional invested in his education and Army training by the Federal Government, making a total loss of \$28,000 for each retired officer; and, at the same time, each officer would lose \$10,800, because his years of active service would be reduced 4 years.

I established the fact that the Army is short of officers, and very badly requires the services of every officer now on its lists, and that it actually contemplates immediately adding thousands of new officers under a law which was passed by the Congress in 1939.

I established the fact that the bill would advance officers to the rank of major and lieutenant colonel regardless of the Army's need for more officers in those grades.

I, therefore, conclude that the promotion formula set up in the pending bill is not sound.

On July 1, 1940, under the provisions of the bill—and that is the effective date of many of its provisions—about 48 lieutenant colonels will become colonels, 2,900 majors will become lieutenant colonels, and 1,200 captains will become majors, regardless of the need for these officers in the specified grades.

According to the Army List and Directory of October 20, 1939, the Army then had 698 colonels. Under the pending bill, the Army would immediately have 705 colonels. There would not be anything very drastic in that change; but let us go to the next grade.

On October 20, 1939, the Army had 1,048 lieutenant colonels. If the pending bill passes, there will be 3,900 lieutenant colonels. What will the Army do with all those lieutenant colonels? There is no need at all for them. We did not have that many lieutenant colonels during the World War, when there were more than 200,000 officers on the promotion list; and yet on July 1 there will immediately be on the promotion list, in the rank and grade of lieutenant colonel, 3,900 lieutenant colonels.

On October 20, 1939, the Army had 2,912 majors. Under the provisions of the pending bill, there will be but 1,200 majors—3,900 lieutenant colonels and 1,200 majors. It makes a most ridiculous situation.

It is said that the object of the bill is to get rid of the World War "hump." The World War "hump," according to the Army, consists of 4,200 officers. Under the provisions of the bill, all those 4,200 World War officers will be automatically promoted to the grade of lieutenant colonel, because they will have served 23 years in the Army, and that entitles them to the grade of lieutenant colonel; so they will go in a bunch right up to the grade of lieutenant colonel and leave a shortage in the rank of major, and perhaps in the rank of captain.

Mr. CONNALLY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. JOHNSON of Colorado. Yes; I yield.

Mr. CONNALLY. A year or two ago the Congress authorized an increase of 4,000 officers in the Army.

Mr. JOHNSON of Colorado. Yes; that was done in 1939.

Mr. CONNALLY. That was done on the theory that we needed 4,000 more officers properly to staff an increased enlisted strength.

Mr. JOHNSON of Colorado. That is correct.

Mr. CONNALLY. But the testimony shows that, instead of taking in those 4,000 officers at once, the War Department is going to spread out over a period of 10 years the time during which they will be taken in. Is not that the testimony?

Mr. JOHNSON of Colorado. I understand that the appointments are to be spread out.

Mr. CONNALLY. We were told that the officers are to be taken into the service in increments of 10 percent. Ten percent in 1 year means 100 percent in 10 years. The whole plan of the Army with reference to promotions is that the additional officers are to be taken into the service in incre-

ments so as to keep the promotions moving, to keep "traffic" moving properly.

I thought the purpose of the Army was to be prepared to defend this country in case of possible attack. If the Army needed 4,000 additional officers in 1939, it needs them now; but instead of getting the Army in condition to fight, if need be, and instead of preparing the Nation for going on a war footing if necessary to defend itself from foreign attack, it seems to me the Army is spending most of its time thinking about promotions now and several years hence. It arouses my scorn, and I am astounded that that is the attitude of the high-ranking officers who are running the Army. We are asking for more airplanes, and they want to give us more colonels. We are asking for more equipment for airplanes, and they present us a promotion list. I am absolutely astounded at the situation.

Mr. JOHNSON of Colorado. Not only that, Mr. President, but on yesterday I put in the RECORD a statement from the War Department itself which read as follows; and I repeat it, because it is very important:

The authorization was made in 1939, and only one increment has come in. However, the augmentation of the Army to 227,000 enlisted men has placed a heavy burden on the Regular Army officers, and at the present time there is actual need for all of the 16,719 Regular officers.

Provided by the law of 1939. So they really need the officers. There is no argument about that.

Now there are being added 4,000 promotion-list officers, who in 27 years will move in a bunch to the grade of major. The promotion scheme provided for in the pending bill is not an improvement over the present system. At the present time, as Senators will recall, 25 percent of the promotion-list officers may be majors at any one time. Under this bill a whole flock of them will become majors after they have served for 17 years—3 years as second lieutenant, 3 years as first lieutenant, and 7 years as captain. Then they will move right into the rank of major. The 25-percent limitation is entirely done away with, and under the provisions of the pending bill they will move en masse from the rank of major into the grade of lieutenant colonel regardless of the need for more men in that grade.

I asked the Army officer who has been assigned to our committee as to the relative need for officers in the Army, and this is the reply he gave me as to the normal relative strength of officers assigned to a division:

OFFICERS IN EACH DIVISION OF THE ARMY

Major general.....	1
Brigadier generals.....	2
Colonels.....	6
Lieutenant colonels.....	36
Majors.....	11
Additional majors and captains.....	3
Captains.....	110
Additional captains or first lieutenants.....	6
First lieutenants.....	57
First or second lieutenants.....	156
Second lieutenants.....	49
Total.....	437

The existing law takes the requirements into consideration and prescribes the percentages. It works automatically. If it is necessary to have a large army such as we had during the World War, it works perfectly. If we have a small army, it works perfectly. We expect to add a great many officers to the Army in the next 2 years—perhaps in the next few days—and the percentage basis, the present formula, will take care of the situation exactly. Likewise, when the Army is reduced, it will take care of the situation exactly.

I am informed by the War Department that during the World War the Army had 3 generals, 2 lieutenant generals, 92 major generals, 292 brigadier generals, 1,725 colonels, 3,151 lieutenant colonels, 12,227 majors, 41,953 captains, 65,758 first lieutenants, 74,802 second lieutenants, a total commissioned personnel of 200,004.

The formula worked at that time, and it will work again. It works now with the Army greatly reduced. It will take care of any increase or decrease which may be made in the Army. It works automatically, and it works well. But that

promotion formula is entirely scrapped by the provisions of the pending bill, and, regardless of the need for lieutenant colonels or majors, or whatever the rank may be, the grades are filled automatically simply because the officers have been in the service so many years. Such a system is not sensible.

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BAILEY. The Senator seems to be exceedingly well informed on this subject, and I am very much impressed by what he is saying. I wish to ask him if it is not true that we are about greatly to increase our Army?

Mr. JOHNSON of Colorado. That is my understanding. In 1939 a law was enacted to increase it by 4,000 officers.

Mr. BAILEY. We are likely now to increase it by two or three hundred thousand men, I think.

Mr. JOHNSON of Colorado. That is my understanding.

Mr. BAILEY. If we do the additional men will necessarily require additional staffs; they will have to be staffed.

Mr. JOHNSON of Colorado. That is correct.

Mr. BAILEY. Would not that get rid of the "hump"?

Mr. JOHNSON of Colorado. That would take care of the "hump."

Mr. BAILEY. If that would get rid of the "hump," and that is about to occur, why would it not be a good idea to recommit the bill pending the plans we are about to make for a larger Army?

Mr. JOHNSON of Colorado. It would be very wise on the part of the Senate to do that, just as the President suggested in his veto message in regard to a similar bill for the Navy. He said that because of the international situation he could not favor it, and that he would veto it and send it back to Congress; and the very reasons he gave as to that bill apply to the pending bill with all the force and eloquence of his words.

Mr. BAILEY. If the Senator will permit me further to interrupt him, I understand the Senator is a member of the Committee on Military Affairs.

Mr. JOHNSON of Colorado. I am a member of that committee.

Mr. BAILEY. Then I hope that at the proper time the Senator will make a motion to recommit the bill.

Mr. JOHNSON of Colorado. I shall be glad to make such a motion. I have offered an amendment, which perhaps would take care of the difficulty; but the suggestion of the Senator from North Carolina is really a much better one than attempting to amend the bill. If the bill should go back to the committee, we could wait to see what we are going to do and what is going to happen. As it is, we are acting prematurely; we are acting hastily; we are trying to take care of a "hump," one little "hump"; and it is proposed that we create at the same time another great "hump," which will show up in the next few years; and then what will we do? New legislation will be demanded. I suppose we will be asked to retire men at 50 years of age in order to take care of the next "hump."

General Marshall testified before the committee that we had a "hump" after the Spanish-American War, and that he was behind that "hump." He said that "hump" existed until the World War broke out, and the World War took care of the "hump." Then the World War created a "hump" of 4,200 officers, and the men behind that "hump" are very impatient. But the present situation is taking care of that "hump" and will continue to take care of it, and will do so exactly and precisely.

Mr. President, I wish to call the attention of the Senate to another situation. It is said that we must have younger officers in command of troops. The Engineer Corps is in charge of an exceedingly important work in this country, the work in connection with rivers and harbors. I hold in my hand the promotional list of officers of the Corps of Engineers. That document discloses that at the present time in the Engineer Corps of the Army there are 774 officers. I was anxious to ascertain how many of the colonels on that list were assigned to troops. I find that 3 colonels in the list of 774 are assigned to troops. The others are assigned to

the important work which is going forward all over the country affecting flood control, the conservation program, and river and harbor improvements. Only 6 lieutenant colonels are assigned to troops. The others are employed in civil-engineering duties.

Under the pending bill all those officers would be retired at the age of 60 and would be put on three-quarters pay. They would receive \$4,500 a year. That is what the bill provides, that is what it authorizes, and that would be its effect. The bill would result in the retirement of all the officers in the Engineer Corps at 60 years of age, regardless of how valuable they might be for the work they were performing. Such a proposal is not sensible.

At the same time, the bill would not affect the Medical Corps of the Army, and the Army Medical Corps officers would continue to be retired at 64 years of age. An officer in the Engineer Corps would be retired at 60. A veterinarian in the Army would be retired at 64. An officer in the Judge Advocate General's office, a lawyer downtown in Washington, would be retired at 60. If he happens to be a chaplain, he would be retired at 64. The Senator from Indiana yesterday stated that the reason for that was that the Medical Corps officers and the chaplains and the dentists and the veterinarians were not on the promotion list, and therefore it was not necessary to retire them in order to make places for the men lower in rank.

I wish to call attention also to what I consider an impractical provision in the bill. The bill provides that there shall be only 705 colonels in war and in peace. That is rigid; that is fixed; that is made stationary by law. There cannot be more than 705 colonels at any time, regardless of the need.

As I stated a while ago, during the World War we had over 1,700 colonels, and we needed them. If we increase the Army again we will need more colonels, but the pending bill makes it absolutely positive that the number shall not be over 705. If we should become involved in war, or if we should greatly increase the personnel of the promotion-list officers, the War Department would have to come right back to Congress and ask that the limit be raised. That provision of the bill is not practical. The Army cannot be conducted on that kind of a program.

There would be 4,000 lieutenant colonels and only 705 colonels. The provision is absolutely silly; it is absolutely asinine. The suggestion of the Senator from North Carolina should be followed by the Senate; the bill should be recommitment to the committee, and we should wait to see what is going to happen; we should await the President's recommendations to see how many new officers he may bring into the service, because if there is a "hump" now, if four or five thousand more commissioned officers are appointed, that whole group of commissioned officers will move together, in one body, up the promotion list, and there will be another "hump." They will become first lieutenants in one body; they will become captains in one great body; they will become majors all together; they will become lieutenant colonels all together, for that is the provision of the bill.

The existing law is very wise in taking care of the higher grades on a percentage basis, and we should absolutely not scrap that formula.

Mr. President, I should like to ask the sponsors of the bill a few questions, and I should like to have them rise and answer them. First, is there a surplus of officers in the Army at the present time? If so, did Congress make a mistake when it passed a measure in 1939 increasing the commissioned personnel by 4,000? That is the first question I want answered.

The second question is, Is it good legislation arbitrarily to fix the number of colonels at 705 when we know that in the World War we used 1,725 colonels, and if we increase the Army we may need many more colonels than we have at the present time?

I wish to ask the sponsors of the bill if they think it is wise to make a hard and fast formula at this time to fix the number of colonels in war and in peace at 705.

The third question I wish to ask is, Are able-bodied and alert men in the ordnance department; in the Judge Advocate's office; the Corps of Engineers; the Quartermaster Corps; and in the educational service worthless at 60 years of age?

Mr. President, I do not believe they are. We have a large investment in them. It has cost the Federal Government \$100,000 to educate and train each of them. Then why should we scrap their services? Why should we be so extravagant with the services they are yet able to render the country?

Mr. President, I want those questions answered. I think they should be answered.

Mr. President, my amendment, if adopted, would remove the impractical bottleneck which would be created by the pending bill in fixing at 705 the number of officers in the grade of colonel. Under my amendment if more than 705 colonels were needed to serve with troops more than 705 could be provided. Certainly the War Department should have that privilege. How can it conduct the Army on any other basis?

My amendment further provides that during peacetimes no promotion-list officers past the age of 60, and no brigadier generals past the age of 62, shall be assigned to troops.

Mr. President, I admit that perhaps there is something to the argument that officers more than 60 years old should not be assigned to troops; therefore I have placed that provision in my amendment. Under my amendment they could be assigned to the Corps of Engineers, to the Ordnance Department, to The Judge Advocate General's office, to any other services in the Army—and there are many other services in the Army besides service with troops.

The Army nowadays is far different from what it was 10 or 20 or 30 years ago. There is great need for a large personnel in all the diversified branches of the Army, and experienced, educated, and trained officers can fill many positions much better, and render a far better service to the United States Government than can new officers who are taken into the Army or younger officers who are promoted to take the places of those who may retire at 60 years of age.

So, Mr. President, my amendment simply provides that officers on the promotion list past the age of 60 shall not be assigned to troops, and that brigadier generals past the age of 62 shall not be assigned to troops.

Mr. President, at this time I call up my amendment, and in order that it may be made a part of the RECORD I ask that it be read.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 2, line 12, after the word "five", it is proposed to insert a comma and the following: "unless a greater number is necessary in order to make available a sufficient number of colonels eligible for troop commands."

On page 3, line 1, after the word "respectively", it is proposed to insert a colon and the following: "Provided further, That notwithstanding any of the provisions of this section with respect to years of commissioned service or years of service in any grade, promotion-list officers may be promoted to higher grades in order to make available a sufficient number of officers eligible for troop commands."

On page 4, line 22, beginning with the word "Provided", it is proposed to strike out all down to and including "colonels", on page 5, line 15, and insert in lieu thereof the following: "Provided further, That after June 30, 1942, no brigadier general of the line who has attained the age of 62 years, and no promotion-list officer who has attained the age of 60 years, shall, in time of peace, be assigned to the command of troops: *Provided further*, That if at any time, as a result of the operation of the immediately preceding proviso or otherwise, there is a shortage of brigadier generals, or promotion-list officers in any grade, eligible for assignment to troop commands, there shall be deemed to be a number of vacancies in the grade in which such shortage exists equal to the number of additional officers required to provide a sufficient number of officers of such grade for assignment to troop commands."

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On page 6, line 15, beginning with the word "Provided", it is proposed to strike out all down to and including "64", in line 20.

Mr. JOHNSON of Colorado. Mr. President, my proposal is really one amendment in several parts, but all the parts pertain to one thing, and they should all be adopted or all be rejected. Therefore I ask that they all be considered as one amendment.

The VICE PRESIDENT. The Senator from Colorado asks unanimous consent that the amendments be considered as one amendment. Is there objection? The Chair hears none.

Mr. JOHNSON of Colorado. Mr. President, it seems to me the Senate could adopt one of two courses. It could accept my amendment and let the matter go to conference, and call in the Army officers to answer the questions which I have propounded. At that time we would also know more about what is going to happen, and how the Army is to be increased. If the sponsors of the bill would accept the amendment and let it go to conference, where the bill could be given further consideration, I think that would be one solution.

The other solution is the one suggested by the Senator from North Carolina [Mr. BAILEY], which is that the bill be re-committed.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. The hour of 20 minutes of 1 has arrived.

The VICE PRESIDENT. The Senator from Kentucky just rose to make the same suggestion, as the Chair believes.

Mr. McNARY. I was not aware of that.

The VICE PRESIDENT. The Senator from Colorado has just made a very interesting suggestion.

Mr. JOHNSON of Colorado. I hope the Senator from Texas [Mr. SHEPPARD], the chairman of the Military Affairs Committee, will see fit to accept my amendment and let the matter go to conference where the questions raised can be determined. Let the Army officers come forward and state their case and make reply to the questions which I have presented.

Mr. SHEPPARD. Mr. President, would acceptance of the amendment close the matter so we could pass the bill now and have it go to conference?

Mr. JOHNSON of Colorado. I should be very glad to have that done.

Mr. SHEPPARD. Then I accept the amendment offered by the Senator from Colorado.

The VICE PRESIDENT. Without objection, the amendment offered by the Senator from Colorado [Mr. JOHNSON] is agreed to.

Without objection, the amendment is engrossed—

Mr. CONNALLY. Mr. President, between the time the Senator from Colorado started to sit down and the time he hit the chair I rose to say just a word.

The VICE PRESIDENT. The Chair understood that the Senator from Texas [Mr. SHEPPARD] accepted the amendment.

Mr. CONNALLY. I have no objection to that, but I object to the passage of the bill.

The VICE PRESIDENT. The Chair was about to put the question on the engrossment of the amendment and the third reading of the bill.

Mr. SHEPPARD. Very well.

Mr. BARKLEY. Mr. President, I think we should now proceed to the Hall of the House of Representatives.

Mr. CONNALLY. The fact that the amendment is agreed to does not foreclose other Senators from objecting to the passage of the bill?

The VICE PRESIDENT. No. The bill is open to further discussion.

Mr. SHEPPARD. I did not accept the amendment on the condition that Senators be foreclosed from objecting to the passage of the bill. If desired, I shall ask to have the action of the Senate reconsidered when we return from the House of Representatives.

Mr. CONNALLY. I wish to ask the Senator from Colorado if it is not true that under the bill a World War officer, though

he may be only 45 years of age at the present time, can voluntarily retire with three-quarters pay for the remainder of his life?

Mr. JOHNSON of Colorado. Yes; according to the provisions of the bill, any World War officer could do that.

Mr. BARKLEY. Mr. President, I suggest that, under the order previously entered, the Senate now proceed to the Hall of the House of Representatives.

The VICE PRESIDENT. The Chair was about to put the question on the third reading and passage of the bill.

Mr. CONNALLY. Mr. President, I wish to make it clear that I am against the bill. I want the RECORD to show that I shall vote against it.

The VICE PRESIDENT. The amendment of the Senator from Colorado [Mr. JOHNSON] has been agreed to and ordered to be engrossed.

Without objection, the bill is ordered to be read a third time.

Without objection, the bill—

Mr. CONNALLY. Mr. President, there is objection.

The VICE PRESIDENT. The question is, Shall the bill pass? All in favor of the passage of the bill will say "aye." [A pause.] Those opposed, "no." The "ayes" have it, and the bill, H. R. 9243, is passed.

Without objection, Senate bill 3712, Calendar No. 1487, is indefinitely postponed.

Mr. KING subsequently said: This morning the Senate, in a burst of great expedition, passed House bill 9243, the officers' promotion bill. I understood from a number of Senators that they desired to speak on the bill. It was passed during the absence of a number of Senators, one of whom had an amendment, and some of whom desired to speak on the bill. I move to reconsider the vote by which the bill was passed.

Mr. BARKLEY. The Senator does not desire to have that motion passed upon now?

Mr. KING. No.

The VICE PRESIDENT. The motion will be entered.

Mr. KING. It is not my purpose to delay the Senate. I shall be very glad to have the motion taken up on Monday.

JOINT MEETING OF THE TWO HOUSES

Mr. BARKLEY. Mr. President, under the order previously made the Senate should now proceed to the Chamber of the House of Representatives.

The VICE PRESIDENT. The Chair thinks the Senator's suggestion a good one.

Mr. BARKLEY. The Senator from Wisconsin [Mr. LA FOLLETTE] desires to enter a motion.

The VICE PRESIDENT. The Chair is informed by the Senator from Kentucky that an agreement had been reached that when the bill under consideration had been disposed of, the Senator from Wisconsin [Mr. LA FOLLETTE] should obtain recognition, and if the present occupant of the chair is in the chair when the Senate reconvenes he will recognize the Senator from Wisconsin.

Mr. KING. Mr. President, before the Vice President does so I hope that full opportunity will be given for a motion to be made to take up another bill in preference to the bill sponsored by the Senator from Wisconsin.

The VICE PRESIDENT. That procedure is always in order.

Under the order previously entered, the Senate will now proceed to the Hall of the House of Representatives.

Thereupon (at 12 o'clock and 45 minutes p. m.) the Senate, preceded by the Vice President and President pro tempore, and escorted by the Secretary (Edwin A. Halsey) and the Sergeant-at-Arms (Chesley W. Jurney), proceeded to the Hall of the House of Representatives to hear the message to be delivered by the President of the United States.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The address of the President of the United States, this day delivered at a joint meeting of the two Houses of Congress, is printed on page 6243 of the RECORD.

The Senate returned to its Chamber at 1 o'clock and 39 minutes p. m., and the Vice President took the chair.

REFERENCE TO COMMITTEES OF THE PRESIDENT'S MESSAGE

The VICE PRESIDENT. The Chair recognizes the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BARKLEY. The question of the proper reference of the President's message is one which the Chair might now pass upon. I suggest to the Chair that that part of the President's message which calls for an appropriation, which does not require legislation in advance of appropriation, be referred to the Committee on Appropriations; that that part which would require legislation for the Military Establishment be referred to the Committee on Military Affairs; and that part which requires legislation with respect to the Naval Establishment be referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Permit the Chair to say to the Senator that, so far as the Chair is advised by the Acting Parliamentarian, such action has not been taken previously in the Senate. The Chair wants to do what is requested to be done. It seems to the Chair that the best thing would be to ask unanimous consent that the suggestions of the Senator from Kentucky be the judgment of the Chair.

Mr. BARKLEY. Mr. President, I do not understand that there is any rule of the Senate against such a division and reference of the message as I have proposed.

The VICE PRESIDENT. The Chair does not know of any rule to that effect, but the Chair again calls the Senator's attention to the precedent in the Senate. The Senate has never referred a message or any other document to two or more committees. It seems to the Chair that in order to do that it would require unanimous consent.

Mr. BARKLEY. In order to accommodate the situation to the Chair's suggestion, I ask unanimous consent that that part of the message which calls for appropriations, which will not require legislation, be referred to the Committee on Appropriations.

The VICE PRESIDENT. Is there objection?

Mr. ADAMS. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield to the Senator from Colorado.

Mr. ADAMS. It seems to me that the suggestion is rather difficult in its application. It means cutting the message up. Why not refer the message to the several committees and allow them to take out such parts of it as they think appropriate, rather than endeavor to cut the message up and refer parts of it to one committee and parts to another? I am quite sure the Committee on Appropriations will sort out the parts which are appropriate for it to consider. The message as a whole should be referred to the committees mentioned by the Senator.

Mr. BARKLEY. Of course, the message as a whole can be referred to the three committees, as suggested by the Senator, but differences of opinion may arise between the committees as to which part of the message each committee desires to take jurisdiction of or would properly have jurisdiction of.

The VICE PRESIDENT. The Chair desires to address an inquiry to the Senator from Kentucky. Under the rules of the Senate would the Committee on Appropriations be prevented from providing any appropriation the President requested and which it was authorized to provide?

Mr. BARKLEY. No.

The VICE PRESIDENT. If the message were referred to a legislative committee, say the Committee on Military Affairs, the Chair understands such reference would not prevent the Appropriations Committee of the Senate from providing such appropriations as are justified?

Mr. BARKLEY. It would not prevent the Appropriations Committee from providing such appropriations as have been authorized by the Congress.

The VICE PRESIDENT. So the Chair understands. Wherever the message shall be referred, the Appropriations Committee will still have jurisdiction of all appropriations which are authorized by law?

Mr. BARKLEY. I think so.

The request of Mr. BARKLEY was reduced to writing in the form of an order and agreed to as follows:

Ordered, That the part of the message of the President of the United States to the Congress today requesting appropriations not requiring legislation be referred to the Committee on Appropriations; and that the parts requiring legislation for the Military and Naval Establishments be referred to the Committees on Military and Naval Affairs, respectively.

ADDITIONAL DISTRICT AND CIRCUIT JUDGES—CONFERENCE REPORT

Mr. HATCH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7079) to provide for the appointment of additional district and circuit judges, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following: "That the President is authorized to appoint, by and with the advice and consent of the Senate, three additional circuit judges as follows:

"(a) One for the sixth circuit.

"(b) Two for the eighth circuit.

"Sec. 2. The President is authorized to appoint, by and with the advice and consent of the Senate, eight additional district judges, as follows:

"(a) One for each of the following districts: District of New Jersey, western district of Oklahoma, eastern district of Pennsylvania, southern district of New York, northern district of Illinois, and the northern district of Georgia: *Provided*, That the first vacancy occurring in the office of district judge in each of said districts shall not be filled.

"(b) One, who shall be a district judge for the northern and southern districts of Florida: *Provided, however*, That, whenever a vacancy shall occur in the office of the district judge for the northern or the southern district of Florida, the judge appointed pursuant to the authority granted by this section shall become a district judge for the northern or the southern district of Florida, as the case may be, and thereafter no successor shall be appointed to the vacancy thus occurring in the position created by this section.

"(c) One for the southern district of California.

"Sec. 3. After the date of enactment of this act, the salary of the judge of the District Court of the Virgin Islands of the United States shall be at the rate of \$10,000 a year."

And the Senate agree to the same.

CARL A. HATCH,
PAT MCCARRAN,
WARREN R. AUSTIN,

Managers on the part of the Senate.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
SAM HOBBS,
U. S. GUYER,
JOHN W. GWYNNE,

Managers on the part of the House.

The report was agreed to.

ELIMINATION OF OPPRESSIVE LABOR PRACTICES

Mr. LA FOLLETTE. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1970, Calendar No. 941.

The VICE PRESIDENT. The clerk will read the bill by title.

The LEGISLATIVE CLERK. A bill (S. 1970) to eliminate certain oppressive labor practices affecting interstate and foreign commerce, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1970) to eliminate certain oppressive labor practices affecting interstate and foreign commerce, and for other purposes, which had been reported from the Committee on Education and Labor with amendments.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection?

Mr. KING. Mr. President, what bill is now referred to?

The VICE PRESIDENT. The Senator from Wisconsin can answer the Senator's question.

Mr. KING. I should like to ask what disposition was made of the bill of which the Senator from Texas [Mr.

SHEPPARD] was in charge? Has that bill been superseded by another?

Mr. LA FOLLETTE. I will say to the Senator that the Army promotion bill was passed before the Senate proceeded to the Chamber of the House of Representatives.

The VICE PRESIDENT. Permit the Chair to state the parliamentary situation. The Senator from Wisconsin moved to take up Senate bill 1970. The Senate gave its unanimous consent to the consideration of the bill.

The Senator from Wisconsin has now asked unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the committee amendments to be first considered. That is the question before the Senate. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. President, the bill is entitled the "Oppressive Labor Practices Bill." It is the fruit of the investigation conducted by myself and Senator THOMAS of Utah over the past 4 years, pursuant to Senate Resolution 266. The bill makes illegal four types of the most flagrantly oppressive practices exercised in the field of labor relations; practices which have vexed labor relations and frustrated collective bargaining for decades. It embodies in a single measure the legislative recommendations contained in the committee's four reports on labor espionage, strikebreaking, private police systems, and industrial munitions. These malignant practices spring from a common motive, hostility to the principle of collective bargaining, and have a common result, the infringement and curtailment of the rights of citizens to freedom of speech and expression, freedom of assembly, and freedom of association, which we consider fundamental to a democratic society.

The practices prohibited by the bill are:

First. Use of labor spies and labor espionage.

Second. The use of strikebreakers and strikebreaking agencies.

Third. The use of privately paid armed guards off the premises of an employer.

Fourth. The possession and utilization of industrial munitions, such as tear gas and submachine guns.

These practices have received universal condemnation. They are so defined in the bill as to include within the operation of the statute only those practices which the committee, in its reports, identified as wholly obnoxious and indefensible.

The bill classifies sawed-off shotguns, machine guns, and gas equipment peculiarly capable of use in industrial disputes as "industrial munitions." The possession and utilization of such weapons is banned outright by the bill. No justification can be advanced for the possession of such weapons by private individuals. On the other hand, the bill does not include stationary or protective gas equipment to be used within the confines of private property. Furthermore, the bill does not include the commoner firearms, such as pistols, ordinary shotguns, and rifles. It cannot be denied that it would be desirable to remove all guns from industrial disputes and to disarm all private citizens during industrial conflicts. However, there are legitimate grounds for the possession of pistols, hunting equipment, and rifles, and administratively it would be difficult and burdensome for the Federal Government to attempt to regulate the possession and use of such arms.

The bill defines "labor spy" to include persons engaged in antiunion industrial espionage as disclosed by the investigation of the committee. The term includes professional spies furnished by commercial detective agencies as well as the private spies of large corporations. The term is defined so as not to interfere with the right of the employer to conduct legitimate investigations, which do not interfere with the civil liberties of his employees.

The term "strikebreaker" is very narrowly defined. The typical strikebreaker, as disclosed through the investigation of the committee, is a professional mercenary, hired at a bonus to replace regular employees who have left their employment because of a strike or lock-out, and it is in this sense that the term is used in the bill. These men are employed

usually for the duration of a strike and are frequently vicious in character. Their employment inevitably leads to bitter strife. The bill does not deprive an employer of the right to secure legitimate replacements so that he can renew operations with a force of bona fide employees. The term "strikebreaker" is also applied to workmen who perform no bona fide operations, but who are brought into a community for the purpose of pretending to dismantle a plant during a labor dispute, thereby to create an atmosphere of hostility among the employees and the townspeople, and an opportunity for violence.

The bill prohibits the payment of men who, while armed with guns or dangerous weapons, act as private guards or special police away from the premises of their employer. This provision is qualified to permit an employer to hire special police for protection against theft of goods or money in transit. During labor disputes, employers are also forbidden knowingly to employ persons who have been convicted of the crimes of felonious assault or homicide to act in any capacity as private guards.

The use of strikebreakers or labor spies, and the use or possession of industrial munitions are labeled "oppressive labor practices." The bill is designed to eliminate these practices within the field of labor relations subject to Federal jurisdiction. This it does by making such practices illegal and by subjecting those who avail themselves of such practices to criminal prosecution. The bill also makes it a crime to furnish labor spies, strikebreakers, or munitions, or to serve as a labor spy, thus striking at the espionage and strikebreaking agencies, and the spies themselves. Enforcement is also secured through the exclusion of goods manufactured with the aid of such practices from the channels of interstate commerce. The channels of interstate commerce are also forbidden to those who would use them to carry on or spread the practices prohibited. Firms or persons contracting with or borrowing from the Government are required by the bill to stipulate that they will not engage in such practices. The bill does not set up any new Federal bureau or administrative agency, but is to be administered through the existing governmental machinery. Enforcement is lodged in the Department of Justice and the Department of Labor.

SEVERAL DECADES OVERDUE

This bill is several decades overdue. The recommendations in the reports of the committee are not novel. They echo the findings of past governmental investigations conducted periodically over the past 40 years. The practices prohibited by this bill have a long history in American industrial relations. Successive congressional investigations since 1893 have discovered and condemned the use of the labor spy and the strikebreaking mercenary. Various committees and commissions have recommended that Congress adopt legislation to prohibit the use of paid strikebreakers and strike guards and the interstate transportation of Gatling guns and similar weapons for use in industrial disputes. As early as 1893 a committee of the House recommended that Government contracts should be withheld from firms employing the services of labor-spy agencies. The recommendation was rejected, and the labor-spy evil continued. The merits of the recommendation, however novel it may have been in 1893, are scarcely open to debate today.

The shocking disclosures of violations of civil liberties in the past have left slight imprint on the statute books. In 1936 the Congress adopted a measure making it criminal to transport persons across State lines for the purpose of interfering with the rights of employees in labor disputes. This measure, which bears the name of the junior Senator from South Carolina [Mr. BYRNES], constituted the first step into the legislative field which the oppressive labor practices bill seeks to cover. These pioneer measures make clear the policy which the Congress has sought to achieve. Yet, investigation by the committee has shown that this legislation must be further implemented if the labor spy, the professional strikebreaker, the machine gun, and the criminal strike guard are to be removed from the industrial scene once and for all.

CONSTITUTIONALITY

The bill has been carefully drafted to conform to well-established legal principles of Federal jurisdiction. The power of Congress to ban oppressive labor practices which affect commerce has been upheld in the decisions of the Supreme Court on the National Labor Relations Act. In the *Fruehauf Trailer* case the United States Supreme Court recognized that the Federal Government could properly drive the labor spy out of industry.

In barring the movement of spy-made goods from interstate commerce the bill follows the pattern of the *Wages and Hours Act*, passed in the last Congress. The power of Congress to regulate interstate commerce has been frequently invoked to prevent those engaged in practices harmful to the Nation as a whole from utilizing the channels of interstate commerce. Traffic in opium, lotteries, vice, stolen automobiles, and the like has been barred from interstate commerce. The decision of the Supreme Court in the *Kentucky Whip & Collar Co.* case upheld the power of Congress to exclude prison-made goods from interstate commerce. The decision points the way to the exercise of this power by Congress to close the channels of interstate commerce to goods produced by the aid of labor spies, machine guns, and professional strikebreakers.

No one will contest the power of Congress to take from irresponsible private hands weapons as deadly in character as machine guns, sawed-off shotguns, and shells loaded with chemical gases. The second amendment of the Constitution declares:

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

The Supreme Court, in its decision in *United States against Jack Miller et al.*, ruled that this inhibition did not make invalid a provision of the *National Firearms Act* directed against the interstate transportation of sawed-off shotguns. The holding of the Court makes it clear that a ban against the private use of machine guns and weapons of chemical warfare would be equally valid.

Mr. BROWN. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. I am glad to yield.

Mr. BROWN. I have long been interested in the second amendment and its application to the State statute of Michigan which prohibits the carrying of firearms in a deer area. I think that is the way our statute expresses it. Is such a prohibition in violation of the second amendment of the Constitution to which the Senator has alluded?

Some time ago, I read with care the *Miller* case, to which the Senator has just referred. Does the Senator think that section 1, title I, of the bill sufficiently defines the act in which the bearer of a firearm is engaged; that is, does he sufficiently state what acts are prohibited? I do not think we can constitutionally say that a man may not carry an automatic rifle under all conditions such as in the woods in the hunting of deer. It seems to me from reading it that section 1 of the bill might be so construed, because the prohibition is not confined to the use in an industrial dispute of the type of gun mentioned, but the bill appears to provide that such a gun shall not be carried or used at any time under any circumstances.

Of course, the Senator comes from the same section of the country from which I come, and we know that in that section there are used many Remington and Winchester automatic rifles, which are operated by a mere pulling of the trigger without the manual operation of reloading which is referred to in the bill. I take it that such arms are used in many other sections of the United States, and I think it is a good thing they are used; I think it is in accordance with the idea expressed in the second amendment of the Constitution that—

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

I recognize that a sawed-off shotgun and weapons of the kind to which the Senator refers, gas bombs, and so forth; that kind should not be used, and I do not think that automatic rifles should be used in a labor dispute; but I am fearful that the Senator, in his bill—I hope he has not, and perhaps we can cover it if he has—has prohibited the use of an automatic rifle under any and all circumstances.

Mr. LA FOLLETTE. Mr. President, of course it would be furthest from my desire to do that, and as I proceed with my argument I will be pleased to have the Senator refer to the provisions on page 8, under the heading "Oppressive Labor Practices," and particularly on page 9, where oppressive labor practices are defined. If he will read the language I think the Senator's apprehension will be relieved; but, if not, I shall be very glad to hear from him further.

Mr. BROWN. If the Senator will bear with me for a moment longer; I have read the definition of "industrial munitions" on pages 4 and 5, which describes an automatic or semiautomatic rifle as one using "more than one shot without manual reloading, by a single function of the trigger."

Mr. LA FOLLETTE. In order to bring this proposed statute into operation, a person must be guilty of an oppressive labor practice; and if the Senator will read on page 8 and, particularly on page 9, paragraph (4) (A), I think he will find that it is confined to the use in an industrial dispute.

Mr. BROWN. I have no doubt that is true. What set me wrong, perhaps, was the reading of section 1 (a).

Mr. LA FOLLETTE. That merely is a declaration upon the part of Congress. The substantive portions of the statute are to be found in the definitions of title I and in section 3 on page 8 and following.

Mr. BROWN. Then, the meaning of section 1, if I understand it correctly, is that the utilization in labor disputes of labor spies, strikebreakers, strikebreaking agencies, oppressive armed guards, and industrial munitions is in effect condemned.

Mr. LA FOLLETTE. Yes.

Mr. BROWN. It does not apply to a general condition.

Mr. LA FOLLETTE. That is correct.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I am glad to yield.

Mr. DAVIS. In connection with the reference to industrial disputes, do the railroads come under the provision? The railroads operate under the Railroad Mediation Act; they seldom have a controversy of any kind, and they need protection along their railroads and rights-of-way.

Mr. LA FOLLETTE. There is nothing to prevent them having any kind of protection they want so long as their armed guards are confined to company property, but if they leave the company property they must be disarmed. I may say to the Senator that we found armed guards of the Pennsylvania Railroad participating in the Little Steel strike.

PROMOTES INDUSTRIAL PEACE

The bill is another forward step in Federal labor legislation designed to promote the peaceful settlement of industrial disputes through collective bargaining. The four types of antilabor practices prohibited by the bill spring from an unyielding hostility both to freedom of association for employees and to the principle of collective bargaining. To make these practices illegal is in a sense to add the capstone to the legislation buttressing the national labor policy. The bill will stand with the Wagner Act and the Walsh-Healey Act as a guidepost to liberty and industrial freedom. It will continue the construction of a framework of labor relationship in which collective bargaining may flourish and bring about the accomplishment in industry of a peace which will not be the deathlike peace of oppression, but the peace of freedom in a society of free men.

DESCRIPTION OF HEARINGS

Acting pursuant to Senate Resolution 266, your subcommittee, composed of the Senator from Utah [Mr. THOMAS], the Senator from Massachusetts [Mr. WALSH], and myself, has conducted an investigation for the past 4 years, the record of which now exceeds 51 volumes of printed testimony and exhibits. The existence and characteristics of the four types

of antilabor practices are clearly demonstrated in the pages of this record. There can be no doubt that your committee has exposed, in spite of every obstacle interposed by interested parties, conditions sufficiently widespread and sufficiently dangerous to the maintenance of civil liberties and industrial peace to require the remedial action of the Congress.

While the disclosures of the committee are still fresh in the minds of the people, it is important that the necessary remedial legislation be adopted now.

SCOPE AND HISTORY OF INVESTIGATION—SCOPE OF THE INVESTIGATION

Senate Resolution 266, authorizing an investigation of violations of the rights of free speech and assembly, and undue interference with the right of labor to organize and bargain collectively, was adopted on June 6, 1936, almost 1 year after the National Labor Relations Act had been passed by the Congress. The flagrant manner in which that law was being flouted and violated by powerful corporations all over the country was widely known, but the sinister means used to defraud workers of their rights guaranteed by the act—espionage, criminal strikebreakers, armed strike guards, guns, and tear gas—remained undisclosed until the subcommittee's investigation was under way.

At the outset it had some data from which to chart its course of inquiry. Preliminary hearings had shown how established labor laws and policy were being flouted. The public case laid before the committee indicated unmistakably that labor spies and detective agencies were being loosed upon labor with increasing vigor. The revitalizing of the labor movement, which began to occur in 1933, was bringing prosperity to the labor-detective agency, the strikebreaker, and the purveyor of gas and machine guns. Witnesses at the preliminary hearings included workers, union officials, and representatives of labor organizations. Their testimony, supplemented by Labor Board studies, indicated the urgent need for a thoroughgoing inquiry of a situation in which not only the statutory rights of labor but the constitutional rights of peaceable assembly and freedom of speech were being destroyed.

OBSTACLES TO THE INVESTIGATION

Outstanding in the committee's inquiry into the activities of some of the great corporations and large employer associations were the obstructions designed to thwart the committee's efforts to get all the facts. Stripped files, doctored books, piecemeal responses to requests for information, and witnesses schooled in forgetting on the witness stand were encountered at every turn. Frequently during the course of our inquiry we found that the evidence which had been or was about to be required for the Senate had been destroyed.

No sooner has subpoenas duces tecum been served on the officers of the Railway Audit & Inspection Co., Inc., than they began a systematic and thorough destruction of the subpoenaed documents. Forewarned of this possibility, the committee subpoenaed the waste paper collected from the offices of this agency. From Pittsburgh, St. Louis, Atlanta, Philadelphia, and New York the committee began to receive bundles of torn fragments of paper which, upon reconstruction, proved to be journal sheets, card files of operatives, spy reports, letters from salesmen, and interoffice correspondence, all of which were documents specifically called for by the subpoena. To cap this flagrant course of conduct, the officials of the agency refused to appear in person before the committee in response to the subpoena. Rather than submit to the lawful process of the Senate and reveal the nature of their business, they preferred to incur criminal prosecution.

Similarly, several branch managers of the Burns agency, whose officers had been anticipating investigation for some months, engaged in a desperate attempt to destroy the records of industrial espionage remaining in their offices on the date the subpoena was served.

John W. Young, president of Federal Laboratories, Inc., purveyors of tear gas and machine guns, admitted that ink eradicator had been applied to his ledgers in an effort to conceal the fact that one of the principal sales outlets for his arms was the Railway Audit & Inspection Co., which also supplied the finks and strikebreakers to use them. The

connection between this munitions firm and the detective agency would never have been established had not the committee noticed the traces of ink eradicator after the books had been produced in Washington.

A more recent witness, the head of a detective agency in Cleveland, admitted not only that he had destroyed his records shortly after the committee came into existence, but also that it was his understanding that detective agencies throughout the country, hundreds in number, had done likewise. Like the detective agencies, the associations of employers anticipated investigation either by destroying documents or by eradicating from their books entries which would lead to the exposure of oppressive labor practices. The National Metal Trades Association, in anticipation of an investigation by this committee, purged its files of data relating to its espionage and strikebreaking activities, and altered its method of book-keeping to conceal its espionage services. This action was taken after the association had been advised by its counsel that its activities fell within the scope of this committee's inquiry.

Another employers' association, operating in Cleveland, admitted that it had previously destroyed its records to thwart another investigation. Since that time, as examination of its records showed, its books had been altered, in some cases by liberal application of ink eradicator, and its canceled checks had been corrected.

It is not surprising, perhaps, that agencies purveying labor spies, strikebreakers, or munitions, whose very business is founded on deceit, should attempt to conceal their activities. One does not, however, expect influential and reputable industrial corporations to resort to such devices. Yet the officers of the General Motors Corporation, the largest industrial clients of the Pinkerton Detective Agency, shortly after the Pinkerton Agency was subpoenaed by this committee, carefully and completely gutted their files of all documents connected with their use of industrial espionage. Even the files of William S. Knudsen, president of the corporation, were subjected to this purge. Officials of the corporation concealed this destruction of documents from the committee until they were called to testify. With the exception of sketchy financial records, the General Motors Corporation provided the committee with not a single document pertaining to the operations of its far-flung industrial Cheka.

Resistance to investigation did not cease with such practices. Parties under investigation attempted to influence and coerce witnesses subpoenaed by the Senate. In the corridors of the Senate Office Building, witnesses were approached by Pinkerton detectives and urged to conceal information from the committee. Later, witnesses from Harlan County were jostled and threatened at the very entrance to the hearing room by deputy sheriffs from Harlan County.

Such things go quite beyond a mere challenge to vindicate governmental rights of investigation—the right of the people to ascertain facts of public concern. Such practices are part and parcel of the thwarting of labor's rights disclosed by the investigation. Camouflage and coercion are essential elements in the larger threat to democracy involved in the utilization of these four oppressive labor practices.

CONDUCT OF INVESTIGATION

The committee, since August 1936, has held over 120 days of hearings. During this time it has taken testimony from 883 witnesses, and received into its record over 9,570 exhibits. The printed transcript of its hearings and exhibits now comes to more than 19,000 pages. The record now consists of 51 volumes. The committee's exhibits are composed of documentary material obtained under subpoena. Such material is amplified by analyses, statistical charts, maps, and other exhibits prepared by the staff of the committee.

In order that the value of this voluminous record may be better appreciated, I feel that something should be said concerning the method of investigation adopted by the subcommittee. The magnitude of the task assigned to the subcommittee under Senate Resolution 266 made it impossible to undertake an all-inclusive survey. Since its inception the

committee has been deluged by requests for investigation from all parts of the country. Limitations of time and funds have compelled the committee to resort to a technique of sampling the industrial situation. The committee has been compelled to select for investigation what it feels to be typical examples of prevailing practices. For example, out of a known total of hundreds of detective agencies in the major industrial cities of the country, the committee chose five in its study of labor espionage and strikebreaking services. From its study of these five agencies it was able to identify approximately 1,500 companies using one or the other of these services. Yet even this staggering total is not comprehensive. Other equally important labor spy agencies remain untouched by the committee, and their clients are still undisclosed. Out of a total of hundreds of employers' associations giving some or all of their attention to industrial relations the committee chose examples of various types. Through a detailed analysis of such representative institutions or situations the committee has been able to formulate sound general conclusions.

In conducting its investigation the committee has adhered rigidly to the principle that the best evidence comes not from the accusers but from the accused. For example, many unionists have long known of and protested against the use of labor spies; and, as preliminary hearings on Senate Resolution 266 show, it is comparatively simple to find persons who have been victims of labor espionage. In its investigation, however, the committee did not rely upon evidence from such sources. It went with its subpoenas directly to the detective agencies themselves and compelled them to appear and testify concerning their own activities and the meaning of the documents found in their own files. It has summoned employers who have utilized such antilabor services, questioned them on the basis of documentary evidence, and sought their explanations and comments. The committee has taken testimony from labor spies, but only where conclusive proof of their employment as labor spies existed in irrefutable and documentary form. It has not permitted baseless accusations to be made on the witness stand by persons engaged in the unsavory business of labor spying.

In another field of investigation, where documentary proof is nonexistent, the committee has resorted to the principle of confrontation. The pay roll, the journal sheet, the written spy report serve to corroborate the labor spy; but there are no such mute and incontrovertible witnesses to the activities of the strike guard, the company policeman, or to the violent episodes occurring in strikes and industrial disputes. In examining such violent episodes the committee has sought to bring witnesses from both sides together in the same room, to set their testimony down side by side in the same record, and carefully weigh and balance the resulting conflict of evidence. In some cases this procedure has resulted not so much in a description of violent episodes as in a reenactment of them in the hearing room. Wherever possible impartial bystanders or observers have been called upon for their opinions, and recourse has been had to photographic evidence, to news reels, to the testimony of ballistics and arms experts, to hospital records, and to the opinions of competent physicians.

The committee has brought to hearing no cases in which it did not first, through its staff, conduct a preliminary investigation, and make a preliminary selection of witnesses on the basis of the relevance and credibility of their testimony. This procedure has made it possible to winnow most of the chaff of unsupported allegation from the grain of fact, and to present to the Senate a record which will not be challengeable.

The committee has held its record open at all times to documents, statements, and data submitted to it by persons under inquiry, as well as to those who have been attacked or accused at its hearings by others, and it has actively sought replies and statements from witnesses or others who have been mentioned adversely in testimony before it.

The Senate first appropriated to the expenses of the committee on June 6, 1936, \$15,000. Subsequently in January

1937, it received \$40,000, in September 1937, \$35,000, and in May 1938, \$60,000. In August 1939 the Senate appropriated \$50,000 to the committee for the express purpose of investigating conditions on the west coast. In 4 years the committee has received \$200,000.

As a result of its investigation the committee has turned over to the Bureau of Internal Revenue considerable data concerning the evasion of Federal tax laws. The committee discovered public officials receiving money from private interests while in office and concealing their ill-gotten gains from Federal scrutiny. It found a detective agency evading taxes through deliberately misleading bookkeeping. It discovered associations of employers claiming exemption from tax laws on the ground that they were civic or benevolent institutions when, in fact, they were supplying strikebreaking and labor spying services to their members. As a result of the committee's investigation in these matters, the Bureau of Internal Revenue has assessed recoveries and penalties totaling \$232,000.

LABOR ESPIONAGE

The committee first turned its attention to the dirty business of labor spying, which is described in its report on "Industrial espionage." This practice, which is so abhorrent to the American concept of a free society, was found to be flourishing in every quarter. Organized businesses were taking in millions of dollars for dealing in labor spies. National and local employers' associations regarded labor espionage as a regular part of their service to their members. Great interstate corporations maintained private espionage systems which rivaled the detective agencies in scope and in ruthlessness. The poison of espionage was spreading throughout industry, creating strife and corroding mutual trust between management and labor.

The leaders in the detective-agency field were summoned to testify. Pinkerton's National Detective Agency, Inc., with offices in 27 cities, was the most powerful dealer in the labor-spy traffic. The firm was grossing well over \$2,000,000 a year. Robert A. Pinkerton, president of the agency, who, in 1935, held 70 percent of its stock, received, in that year, \$129,500 in dividends. The agency had influential connections. From 1930 until the first part of 1936, Carl de Gersdorff, partner of Cravath, de Gersdorff, Swaine & Wood, a prominent Wall Street firm of attorneys, served in the board of directors of the Pinkerton Agency. The clients of Pinkerton's figured among the most powerful corporations in the country. Between 1933 and 1936, Pinkerton had 309 industrial clients, many of them giants in their respective fields of industry, such as the General Motors Corporation, Bethlehem Steel Corporation, Pennsylvania Railroad Co., and Baldwin Locomotive Works.

This blue-ribbon agency employed no less than 1,228 industrial spies between January 1, 1933, and April 1937. More significant, however, than the number of spies at work, the huge sums of money spent for their services, and the list of agency clients were the facts developed concerning the union affiliations and the position of the spies themselves. This information provided a true index of the extent of the power which professional labor spies wield over the American worker. The facts were truly astounding. Pinkerton operates in practically every union in the country, from the Amalgamated Association of Meat Cutters and Butchers of America to the United Mine Workers of America. Every important international union—many smaller and local unions; even company unions, whether affiliated with the American Federation of Labor, the Congress of Industrial Organizations, or independent; whether craft or industrial—have their quota of Pinkerton spies. Sixty-four Pinkerton operatives have worked within the railroad unions; 17 have held membership in the United Textile Workers of America; 16 have been members of the International Brotherhood of Electrical Workers; 20 have been members of the International Association of Machinists; 52 have held membership in the United Automobile Workers' Union of America; and so the list goes for 93 separate unions. At least 331 of the operatives of the

Pinkerton Detective Agency, according to its own records, have been active union members. Of these at least 100 have held elective offices, 1 even attaining the position of national vice president of his union; others serve as presidents of their locals, treasurers or secretaries with ready access to the names of the members and to the financial status of the union. Some Pinkerton spies even act as business agents or as organizers of unions. To anyone versed in the affairs of unions it is at once obvious how dangerous these spies can be. To take a comparable situation, if detective agencies had sent a number of operatives into business houses and one had become vice president of a large national corporation, others had become presidents of small firms, and others had worked their way into positions of confidence and power of various kinds throughout the corporate set-up of the country, their capacity for wrecking would be practically limitless.

The Pinkerton Detective Agency refused to reveal the identity of its spies. It was not protecting its operatives; it was hiding the history of their union-wrecking activities. Nevertheless, the committee was able to secure proof that the agency has used its power and ability to frustrate the exercise by workers of fundamental, constitutional, and statutory rights. The garbled and fragmentary records which the Pinkerton Agency produced in connection with its service for the General Motors Corporation showed that few labor leaders had escaped the surveillance of the Pinkerton Detective Agency. William Green, president of the American Federation of Labor; John P. Frey, of the Metal Trades Council; Adolph Germer; Homer Martin; T. N. Taylor; and Walter Reuther were among the names of union leaders who appeared in the records as having been shadowed by Pinkerton agents pursuant to its arrangement with the General Motors Corporation.

This private spy system is even used to interfere with the processes of government. When Edward F. McGrady, Assistant Secretary of Labor, was dispatched to Toledo in the spring of 1935 to act as mediator in the strike at a General Motors plant, he was surrounded by Pinkerton agents. They followed him about town, took rooms adjacent to his room, and attempted to eavesdrop on his conversations. Thus the General Motors Corporation, through its informers, sought to penetrate the confidences of an impartial conciliator, ruthlessly pursuing its private advantage without regard to the public interest in terminating the strike, and contemptuous of the governmental authority involved. Callous to such considerations, Robert A. Pinkerton, president of the agency, said:

I certainly never looked at it that way.

Dishonesty is the basis of the labor espionage trade. Burglary, larceny, false pretenses are the techniques of the labor spy. The agencies cheat their employees and their clients. The spies write false and inflammatory reports to create a continued demand for their services. But the final victims of the whole sorry business are the workmen who, in an effort to raise their living standards, innocently join a labor organization infested with spies. The committee found union after union reduced from a healthy collective bargaining agency to a skeleton organization dominated by the employer, its former leaders fired and blacklisted through the reports of the spy. In Lansing, Mich., a local of the United Automobile Workers embraced in its membership all the employees of the Fisher Body plant of General Motors. Pinkerton agents wormed their way into the leadership. After several months, the union had lost all its membership except for five officers. The five officers were all paid stool pigeons.

The committee investigated other detective agencies and found the same story. The William J. Burns International Detective Agency, Inc., with offices spanning the continent, had 440 clients using its espionage service. The Corporations Auxiliary Co. had 677 spies operating in New York, Ohio, Indiana, Illinois, and Wisconsin. The Employers' Association, of Akron, composed of rubber companies, spent over \$20,000 a year for spies of the Corporations Auxiliary Co., who worked

in the plants of the Goodyear Tire & Rubber Co. in Akron, and other members of the association. The Chrysler Corporation paid as much as \$72,000 in 1935 to the Corporations Auxiliary Co. for espionage work. Another detective agency, the National Corporation Service, Inc., had spies working for over 196 clients. The fragmentary documents secured from the Railway Audit & Inspection Co. indicated that it served at least 165 clients and employed 313 undercover men. The National Metal Trades Association, which had a membership of 952 manufacturing plants, employed over 100 spies between 1933 and 1936, whose reports were relayed to its membership. These figures for these few organizations indicate the scope of the private spy network which operates in this country. The committee's limited inquiry brought out over 3,800 spies and over 2,500 clients.

The committee summoned the heads of large and responsible corporations, and their personnel officers in order to determine the reasons for the use of labor spies in industry.

In the General Motors Corporation the committee found an amazing situation. In a year and a half, from January 1934 through July 1936, the corporation spent over \$994,000 for labor spies. Fourteen separate spy agencies were employed by the corporation. It used the Pinkerton National Detective Agency, the Corporations Auxiliary Co., the Railway Audit & Inspection Agency, the Wm. J. Burns International Detective Agency, Inc., the Cal Crim Detective Bureau, Inc., the McGrath Detective Agency of Cleveland, Ohio, the spies of the National Metal Trades Association, the National Corporation Service, Inc., the O'Neil Industrial Service, and others. At times as many as 200 spies were reporting on the activity of its workers in the sixty-odd plants of the corporation. The irresistible logic of espionage reached its final stages when the General Motors Corporation used the Pinkerton Agency to spy upon its own Corporations Auxiliary Co. spies. The corporation found itself a victim of its own devices. In order to spy upon its workers and its officials it admitted into its employment and exposed its business secrets to a swarm of unscrupulous men whose trade was corruption and deceit.

The corporation had reason to believe a leak had occurred and that its confidential trade secrets had been betrayed to a competitor. Not unnaturally, suspicion fell upon the spies hired by the various branches of the corporation. Using spies to ferret out the misdeeds of other spies, however, was a method of solving its problem which displayed the folly into which the management of the corporation had fallen.

Here is the essence of spy stuff. These are the risks American industry assumes when it buys labor espionage. Yet, in spite of these risks, so ineradicable is the spy habit that when faced with the evils it produces, management seems to have only one answer—more spies. Industry cannot survive this endless dependence upon unreliable knowledge which begets fear of all things and of all men.

The spy agencies are constantly corrupting honest American workmen to sell out their fellow workers. In the spy business this process is known as "hooking." "Hooked" men are workers who are brought innocently into the business of acting as spies. C. M. Kuhl, a "hooker" with 20 years' experience, describes the process:

Well, first you look your prospect over; and if he is married, that is preferable. If he is financially hard up, that is No. 2. If his wife wants more money, or he hasn't got a car, that all counts.

Hooking is usually done by roving operatives of the detective agency who assume such roles as appraisers, bankers' agents, and newspapermen. One favorite subterfuge is to represent themselves as coming from a group of stockholders in the company who are said to be fearful lest labor is being discriminated against by the current management. The extent to which operatives assume the guise of Federal agents is difficult to determine, but in at least two instances the committee found that a hooker posed as a Government official looking for someone to make special reports for the Government.

The most striking testimony which I heard with regard to labor espionage came from Edward C. Ray, a member of the private police force of the Republic Steel Corpora-

tion. In 1935 there was a strike conducted by the American Federation of Labor in the Berger plant of the corporation in Canton, Ohio. While he received \$12 a day and all expenses from Republic Steel Corporation for doing labor spy work, Ray served as president of the union of Republic Steel workers in Canton, and as a member of the American Federation of Labor strike strategy committee. I should like to call the Senate's attention to the following statement of Ray:

Senator LA FOLLETTE. How could you square with your conscience accepting the presidency of an organization which had the avowed purpose of supporting the Berger strike?

Mr. RAY. I didn't let my conscience bother me.

And yet, Charles M. White, vice president in charge of operations of the Republic Steel Corporation, who approved the payments for Ray's espionage work, had the effrontery to say:

I don't know anyone, Senator, * * * who has done more to uphold the traditions of the American flag than the Republic Steel Corporation and I challenge any statement to the contrary.

So long as management resorts to such practices, no system of industrial relations based on responsibility, mutual trust, and observance of the law can be expected. It is safe to say that the right of genuine collective bargaining will never be realized in American industry until the industrial spy is abolished.

PRIVATE POLICE SYSTEMS

Mr. President, a serious threat to civil liberties lies in the use of private police systems in the field of labor relations. Private police have a legitimate function, that of protecting property against theft, and acting as watchmen. There can be no justification, however, for an employer to mobilize a private army, paid for by him and obeying his orders, to police the public highways during periods of labor dispute. The public is entitled to the maintenance of law in an orderly fashion. It is a mockery of the law when the employer arms his own troops and usurps the functions of public authorities.

There can be only lawless law enforcement when an employer is permitted to purchase the power of the State through the connivance of a subservient or corrupt public official.

The Republic Steel Corporation maintains a force of uniformed armed police of 300 to 400 men, varying according to labor difficulties. These men are used to follow union organizers in the streets of our largest cities. Members of the Republic police force have been identified as having beaten up union men who were attempting to pass out leaflets in the public highways. The captain of the Republic police force in Cleveland, Ohio, has admitted that he assaulted and beat two men who furnished information to this committee during its inquiry last year.

In 1935 there was a strike at a plant of Republic Steel Corporation in Canton, Ohio, due to the failure of the corporation to recognize an A. F. of L. union which had been certified by the National Labor Relations Board. The private police of the corporation were mobilized and armed with sawed-off shotguns and long-range gas weapons. They were sent out into the public streets of Canton in armored trucks. The corporation said that order had to be restored to the picket line. Scores of bystanders, including women and children, as well as pickets, were mowed down by the police. A pregnant woman 2 miles from the entrance to the plant was shot down and then shot again when she lay unconscious. The company paid \$46,000 in damages to persons injured by its police force. The city and county officials were unanimous in their testimony that the corporation's private police were responsible for the violence.

The strike of 1937 in the plants of Republic Steel Corporation was to a large degree attributable to the continued provocation and lawless activity of the private police of the corporation.

The use of private police to overawe labor into abandoning fundamental rights undermines a democratic form of society. In Harlan County, Ky., 2 years ago, the coal operators had bought the local government, lock, stock, and barrel. The local sheriff had been elected with labor support. In 2 years,

however, his personal fortune had increased tenfold, so that although starting office with modest means, he boasted a fortune of over \$100,000. The prosecuting attorney was on the pay roll of three of the coal companies. The other officials were also dominated by the coal companies. Even the grand juries were controlled by the employers. As a result, the coal operators were given free hand to exploit their workers. Wages were fixed at the whim of the employers; hours were long; the men were not permitted check weighmen to test the accuracy of the scales; wages were not paid in American money, but in company scrip which passed at a 10-percent discount. The men were forced to shop at company stores where prices were high.

In order to prevent the miners from organizing to improve their conditions, the operators resorted to the most brutal forms of oppression. The county was filled with desperadoes on the pay roll of the companies who patrolled the highways and drove out union organizers. These men were deputized by the sheriff and were clothed with public authority. In the whole county there were over 300 deputies appointed in 2 years, only 3 of whom appear to have been paid from public funds. Over 100 deputy sheriffs had criminal records, having served sentences in State or Federal penitentiaries for murder, manslaughter, robbery, and other crimes of violence. In addition to these so-called peace officers, the operators maintained cruising squads of thug gangs.

The rule of the coal operators was maintained with relentless terrorism. Attempts to organize a union in the county were quickly suppressed through ambushes and dynamiting. Organizers were locked up in public jails without warrants or charges being issued against them. There were even private jails in Harlan County used to confine union members.

Let me recall to the minds of Senators the events which rapidly succeeded each other when an organization drive was under way in the winter of 1937.

On January 11, 1937, a group of union organizers entered the county. The coal operators' association promptly doubled its assessments to raise a war chest. The sheriff proceeded to carry out law and order by appointing a number of deputy sheriffs, all paid from private funds. On January 23, 1937, the cars of the organizers parked in front of their hotel were dynamited. At the same time, tear-gas bombs were exploded in the hotel, creating a panic among the guests, among whom were women, cripples, and infants. On January 31, 1937, a group of deputies fired on Marshall Musick, a preacher-organizer, and his wife, as they walked in the highway. On February 8, 1937, a car carrying four organizers was shot at from ambush by a group of deputy sheriffs and private guards. One man was struck in the shoulder and seriously wounded by a dum-dum bullet. On February 9, 1937, a group of deputy sheriffs rode by the home of Marshall Musick by night and fired bullets through the walls of his house. His wife and children were sitting about the fire. Mrs. Musick and baby boy were wounded. The eldest boy was killed outright.

Civil liberties were in part restored to Harlan County after the investigation of this committee and action by the National Labor Relations Board and the Department of Justice. But the spirit of bitter resistance to the right of labor to organize is still alive in Harlan County today. Weapons temporarily laid aside may be taken up tomorrow in an effort to restore the conditions of feudalism which existed until recently.

STRIKE-BREAKING SERVICES

In the course of its investigations of detective agencies the committee went into the business of strike breaking, which has long been known to exist in this country. In fact, if we turn back to the most significant congressional investigations of labor disputes we almost invariably find evidence of the use by employers of paid strikebreakers or armed guards. Invariably we observe that the use of these industrial mercenaries was attended by violence, strife, and bloodshed. The characteristics of the strike-breaking business are fairly completely discussed in the records of congressional committees

going back as far as 1893. This committee's work indicates that they have been modified little, if at all, since that time.

The strikebreaking business in the past has been carried on by detective agencies. Many of the same agencies which furnish industrial spies also recruit men to take the places of strikers, or to act as armed guards or provocateurs in labor disputes. In 1893 the Pinkerton Agency was employed by Mr. H. C. Frick to send 300 guards, armed with rifles, to Homestead during a strike in the mills of the Carnegie Steel Co. The bloody battle which broke out when they arrived has become part of American industrial history. Equally shocking violence attended the use of the Baldwin-Felts Detective Agency in Colorado and West Virginia, the operation of the Waddell Mahon Detective Agency in the Michigan Peninsula, and the activities of other agencies, such as Bergoff, Burns, and Ascher, in countless strikes over the breadth and length of the country prior to this committee's investigations.

Of the five detective agencies examined by the committee, four were proved to have furnished guards during strikes. All but one of these had at some time or another during the period under investigation furnished strikebreakers. In its investigation of certain industrial situations the committee uncovered a number of other agencies in the business of providing employers not only with spies, but also with strikebreakers and strike guards.

Employers' associations committed to a policy of opposition to collective bargaining also frequently offer strikebreakers and strike guards to their members. The National Metal Trades Association stood ready to recruit strikebreakers for any of its members during strikes. In fact, it guaranteed to supply up to 70 percent of the normal working force of any member. It also furnished strike guards, whose records revealed that they were men of vicious and violent character, some of them with long criminal careers. The Associated Industries of Cleveland, an employers' association operating in the Cleveland area, furnished to its members strike guards who were recruited from the gutters of Cleveland through an underworld grapevine. The committee put a group of them on the stand and they proved themselves to be as fine a collection of expert finks as one can imagine. This association of employers formerly supplied strikebreakers to its members, but its representatives alleged that it had abandoned this practice. The strikebreaking services offered by detective agencies and employers' associations are identical. The only difference is that the employers' associations do not apparently operate these services for profit.

The difference between the strikebreaker and strike guard is one of function and not one of character. Men who make it their vocation to take strike work have none of the characteristics of the bona fide employee. They are transient ne'er-do-wells, generally thieves, and often gangsters. In fact, in the trade it is well understood that they are not supposed to carry on production in the factories to which they are sent. Their business is rather to pose as workmen, to interfere with picketing, or to create bitterness in the community. During the Remington Rand strike, Mr. James Rand, president of the company and a director of the National Manufacturers' Association, engaged Pearl Bergoff, the "king of strikebreakers," to ship some 59 professional strikebreakers from New York City to his plant in Middletown, Conn. These men posed as millwrights who were going to tear the plant down and move it away. But Mr. Rand had no intention of moving the plant, and the Bergoff men had no intention of tearing it down. Mr. Bergoff in his testimony before the Labor Board admitted that his men had no experience as millwrights. Describing those shipped to Middletown he said:

A man, a fink, as you call him in the newspapers, he is anything; he may be a carpenter today, a plumber tomorrow, a bricklayer the next day; this particular day they were millwrights.

We subpoenaed two of the men who had taken part in this job to appear before this committee. One of them was "Chowderhead" Cohen who said he had been working as a guard on strike jobs for about 20 years. "Chowderhead"

had a criminal record of 14 arrests and 5 convictions; he had served time in Elmira Reformatory for receiving stolen goods; in Sing Sing for burglary; and in the Federal Penitentiary in Atlanta. Today, I am happy to state, he is in prison for receiving relief while he was making a good income on the side as a strikebreaker. "Chowderhead" was a reluctant witness, but it is clear from his testimony that he acted neither as a millwright nor as a strikeguard at Middletown.

Another of the Bergoff men who testified was more communicative. He was Michael Casey. I asked him "When you got into the plant what were your duties?" His reply was: "When we got there we just hung around and sat around on benches and chairs, didn't do anything at all." I asked him "What was Mr. Rand's idea in getting you into the plant?" and he replied, "Just to make a showing that the plant was being opened up by millwrights."

There is a lot of easy money in the strikebreaking business. Detective agencies are paid for each man they furnish; and it is their objective to furnish as many men as possible. Sometimes whole armies of men are shipped from strike to strike. The R. C. A. Manufacturing Co., of Camden, N. J., used approximately 300 guards supplied by the Manning Industrial Service, of Newark, N. J., and the Manning agency received \$156,193 for the services of these men. The company paid this sum without receiving any pay roll or authenticated time record for the guards employed during the strike.

Foster's Industrial & Detective Bureau supplied some 100 professional strikebreakers to serve as guards on the nonunion construction job of the American Bridge Co. in the Jersey Meadows in 1931-32. The total of this bill came to over \$173,000. Over 1,000 strikebreakers and strike guards were supplied by the Railway Audit & Inspection Co. in the street-car strike in New Orleans in 1929. The finks and their agency were rolling in wealth on this job. The guards received from \$8 to \$13 a day. The strike lieutenants and superintendents received from \$20 to \$100 a day. In addition, the strikebreakers and guards kept all the fares received on the streetcars. The heads of the agency received a cut on this extra change collected from the passengers, and the rest of it was gambled away in the car barns by the guards and strikebreakers. The strikebreaking agencies make anywhere from 25 to 100 percent profit on strikebreaking jobs. The National Corporation Service operates on a cost plus 25 percent basis. The Burns agency was somewhat cleverer. It paid its strike guards exactly one-half of what it charged the employer for their services. On the elevator strike in New York City in March 1936 it made a gross profit of nearly \$46,000.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HUGHES in the chair). Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. I yield.

Mr. LUCAS. Did the committee ascertain the number of employers who have employed strikebreakers throughout the country during the past 4 or 5 years?

Mr. LA FOLLETTE. Yes. The reports of the committee will show that information. I do not carry the figure exactly in mind, but I do know that in our limited sample investigation we found 2,500 concerns which were employing one or more of the four services which we seek to ban in this bill.

Mr. LUCAS. Four detective agencies?

Mr. LA FOLLETTE. In examining 5 detective agencies, we found 2,500 clients who were buying 1 or more of the various types of service, but I do not have in mind the number which employed strikebreakers.

Mr. LUCAS. Are they the only detective agencies in the country?

Mr. LA FOLLETTE. No, Mr. President. The number is variously estimated, but we believe there are between 500 and 600 of them.

Mr. LUCAS. Do the detective agencies make a contract with the employer to furnish the individuals who will go out and attempt to break the strikes?

Mr. LA FOLLETTE. That is correct. In some instances employers are solicited by the detective agencies.

We found that a great deal of money is spent in promotion by these agencies both for strike-breaking purposes and selling industrial munitions by munitions companies and for the purpose of selling strikebreakers and guards in time of industrial strife.

Mr. LUCAS. Is it a fair presumption that in the event private detective agencies were excluded they would probably go out of business, because of the tremendous amount of work they have had in the line of endeavor to which the Senator from Wisconsin has referred?

Mr. LA FOLLETTE. My recollection is—and I will correct it in the RECORD if I am mistaken—that from 30 to 60 percent of the business of the Pinkerton Agency, for example, was industrial business, as we came to call it, and the remainder was ordinary private investigation of theft and other crimes, which the bill does not attempt to ban at all.

Mr. LUCAS. I thank the Senator.

Mr. LA FOLLETTE. Mr. President, as we said in our report on strike breaking:

This is the sort of money that changes hands in strike situations. It is paid to detective agencies in an atmosphere of emergency and haste, and under circumstances which permit a maximum of fraud and deception. Strikebreaking lieutenants are often criminals, and their superiors are men lacking in scruples. They can scarcely be expected to refrain from taking advantage of the employer. It is such sums of money and such methods of accounting that make the strikebreaking business attractive to the underworld.

The committee found that there exists a distinct class of men who engage in strike work. Such men are at the least social misfits, and frequently gangsters and criminals. Witnesses who had engaged in the strikebreaking business told the same story. One of them, a Mr. A. E. Lawson, former secretary of the National Corporation Service, of Youngstown, testified as follows:

Senator THOMAS. Do you find honest strikebreakers?

Mr. LAWSON. Few and far between.

Senator THOMAS. These men have made up their minds to make this their life work?

Mr. LAWSON. They work at it for years, but there is always something wrong with most of them, or they wouldn't be in that business.

From its various investigations the committee compiled a list of 150 men who had served on two or more strike jobs. Some of these men had as many as 16 strike-guard jobs to their credit. One-third of the men on this list had known criminal or arrest records. Difficulties in the way of accurately identifying criminal records and tracing them in the different States in which these men had been active makes it certain that the actual proportion having criminal records was much higher.

The committee analyzed, so far as it was able, the causes of the strikes on which these 150 strikebreakers had served. It was able to discover the causes of 57 of the 81 listed strikes. Thirty-nine of these strikes appear to have involved the issue of recognition or acceptance of the union as a collective bargaining agent. As we said in our strikebreaking report:

Such a statistical summary is, of course, only an approximation of the actual fact, but it seems to buttress the conclusions suggested above—that the professional strike guards or strikebreakers' services are predominantly useful in combating the recognition of unions or the acceptance of collective bargaining.

The interest of the strikebreaking agency and the professional strikebreaker is directly opposed both to terminating the strike and to preserving law and order. The longer a strike lasts and the more violent it is the more guards will be required, and the longer the pay roll will last. From the head of the agency down to the lowliest fink the whole strike-breaking profession puts its heart and soul into prolonging and fomenting industrial warfare. A former strike guard succinctly describes the modes of provocation which in his experience had been used to prolong strike situations and to create a demand for more guards:

Mr. MEGGART. Well, they have a tendency, if a job begins to look as though it is about over or not too many pickets on the line, they always do what is known around Ninth Street as "putting some heat" on the job—"heating up" the job.

Senator LA FOLLETTE. What do you mean by "heating up" the job?

Mr. MEGGART. In order to do this the men that are hired or already working, or the men that want to get on, either get a dele-

gation of four or five men, or they get some of their friends, and the best thing they do is slug a picket or two, which will bring a bunch more out on the line for a while, or go in and throw a rock through a business representative's window, or something like that. During the National Screw they broke out the windows in the union headquarters there. The fellows would take turn about breaking them out. Of course, that kept the strike going.

Senator LA FOLLETTE. From your experience in this kind of work, are such practices as you have described common?

Mr. MEGGART. Yes, sir.

Again and again employers have placed arms, pistols, rifles, gas equipment, and even machine guns in the hands of professional strikebreakers and clothed them in the authority of the law as deputy sheriffs.

The results of arming such men are what might be expected. At Lake Charles, La., during the longshoremen's strike in 1935, a pitched battle was waged between strikers and professional strikebreakers imported from Chicago and armed with machine guns and gas guns. At the conclusion of this affair three of the strike guards were killed and eight wounded. Eight professional thugs furnished by the Railway Audit & Inspection Co. during the textile strike in 1934 were provided with eight machine guns and proceeded to terrorize the entire population of four towns in Alabama. Professional thugs were shipped in considerable numbers into the South during that strike. The activities of some of them were described in a letter by an official of the Railway Audit & Inspection Co., a detective agency, which itself is engaged in the business of providing strikebreakers, as follows:

A former police commissioner of the city of New York, whose name I do not remember offhand, came south during the last textile strike with about 300 guards. These guards were recruited from the gutters and dregs of New York, Chicago, and Detroit.

Remember, this is the statement of one of the purveyors of strikebreakers commenting upon a competitor—

They were gunmen of the first water and believe you me, they used every kind of roughneck method known to them to quell the disturbances. The old police commissioner was run out of the State of Georgia by the Governor and given 36 hours to leave after he landed, but during those 36 hours he did plenty of havoc with his men.

At the plant of the Black & Decker Co. in Kent, Ohio, 36 armed strike guards, recruited through the National Metal Trades Association fired both shotguns and tear gas at a peaceful picket line, severely injuring the pickets. Their act was entirely unprovoked and had no other purpose than to stir up violence. It had the desired effect. The plant was soon surrounded by outraged strikers and sympathizers firing rifles into the plant. This disorder was terminated by the intervention of the sheriff who arrested the strikebreakers on charges of shooting with intent to wound. Such instances can be multiplied, but their import is clear. The strikebreaking business has no place in the system of collective bargaining, nor in an orderly society. As the committee said in its report on strikebreaking:

No employer who has accepted the principle of collective bargaining in good faith can consider using such persons against his employees. Not only do such persons tend to provoke violence and disorder, but their purpose is to discredit and destroy instruments of collective bargaining and make amicable settlement of disputes an impossibility. Through their acts of intimidation, coercion, and provocation such persons violate the rights of free speech and free assembly and the freedom of association of employees. Furthermore, during the period of this committee's investigation, the use of such strike services, and the business of purveying them, violated the policy of labor relations enunciated by the Congress.

INDUSTRIAL MUNITIONS

The fourth in the category of oppressive labor practices is the possession and utilization of what the committee has termed industrial munitions. The purchase and possession on the part of employers of weapons primarily designed for use against masses of people is directly related to oppressive labor policy. As the committee said in its report on industrial munitions:

The utilization of any or all antiunion services such as espionage, strikeguards, or private policemen involves the ultimate use of force. In the consideration of such services the committee soon became aware of certain means employed to implement such a policy. Chief among these was the use of firearms and chemical munitions. Thus, the committee found it necessary to turn

its attention to the character and effect of industrial munitions.

* * * In the earlier stages of its inquiry, the committee learned that there existed an established business of supplying weapons especially adapted for use in industrial disputes. The weapons furnished for such use were principally the various forms of tear and sickening gases, with equipment such as grenades, shells, and guns for discharging them. Submachine guns are also supplied for such use, though to a lesser extent. When held by public authorities for use in the exigencies of riotous situations, the possession of such weapon is, of course, legitimate and proper. Because such weapons are, however, designed and adapted for use by public authority in the exercise of police power in conditions of civil disorder, their purchase and possession by private employers raises problems of far-reaching significance. The committee found that gas weapons are widely purchased by employers and frequently used by them in industrial disputes, and that submachine guns have, to a lesser extent, been so purchased and used.

The committee's inquiry into this subject was one of its most painstaking. It examined the three companies which provide the bulk of gas and gas equipment which is used in industrial disputes. It considered with care the contentions of employers that their enormous purchases of arms were required for the protection of property. It investigated from all angles the practice of the supplying of arms and munitions by employers to public authorities during periods of industrial strife.

The new chemical weapons frequently used in industrial disputes deserve mention. They consist of various forms of two kinds of gases, tear gas, which causes irritation of the eyes, throat and nose, and lachrymation, and sickening gas which causes irritation of the eyes, nose, throat, and chest, nausea, dizziness, headache, and a feeling of suffocation. According to medical authorities, these gases will not cause serious or permanent injury if the victim can escape from them fast enough. If a person is exposed to them for a long period of time due to injury or incapacitation, the effects may be serious. Prolonged exposure to these gases may set up conditions which pave the way for diseases such as bronchitis or pneumonia. One of the companies selling sickening gas stated that a severe dose would incapacitate a person for from 6 to 8 hours. According to this company, sickening gas is toxic in close quarters. In other words, a man locked in a room with it would probably die. There is no record, however, of its causing any fatalities when used in the open. The Anthracite Institute purchased some \$17,000 worth of chlorpicrin gas for use in driving bootleg miners out of coal holes in Pennsylvania. Chlorpicrin is one of the deadly war gases, classified along with chlorine and phosgene as a pulmonary irritant. This gas, I am happy to say, was never used.

The tear-gas companies prepare these gases in the shape of bombs, grenades, and shells. Some of the bombs explode and the gas and casing are thrown in all directions. These explosive bombs are dangerous to life and limb. Other bombs and grenades burn. The gas pours out through vents in the casing. Most dangerous are the long-range projectiles, which are shells of 1½ inches in caliber, about 10 inches long, and weighing about 10 ounces. These projectiles can be fired anywhere from 400 feet to 500 yards. One of the chemical companies selling these shells wrote to its salesman as follows:

There is no long-range projectile in existence which does not carry a hazard of hurting somebody or killing somebody when it is fired.

Further details concerning these weapons are contained in the committee's report on industrial munitions.

In investigating the little steel strike of 1937 the committee subpoenaed the Youngstown Sheet & Tube Co. and the Republic Steel Corporation for inventories of munitions kept on hand in their plants. The results were astonishing. The Youngstown Sheet & Tube Co. had 8 machine guns of standard Army tripod type, 369 rifles, 190 shotguns, and 454 revolvers, together with over 6,000 rounds of ball ammunition and 3,950 rounds of shot ammunition. It also had 109 gas guns, with over 3,000 rounds of gas ammunition. The Republic Steel Corporation has proportionately more gas and gas equipment. It was, in fact, the largest purchaser of tear and sickening gas in the United States, purchasing a total of \$79,000 worth during the period under investigation. This

total far exceeded not only the purchases of other companies but also the purchases of law-enforcement agencies. First among the law-enforcement agencies purchasing gas was the Ohio National Guard, which had bought slightly over \$20,000 worth, or almost one-fourth as much as the Republic Steel Corporation. In addition to this gas, the Republic Steel Corporation owned 552 revolvers, 64 rifles, and 245 shotguns, with over 83,000 rounds of ball and shot ammunition.

These industrial arsenals far overshadowed the arms and gas equipment in the hands of local law-enforcement authorities in the communities in which they had plants. The Republic Steel Corporation, with 53,000 employees, purchased more than 10 times as many gas guns and more than 26 times as many gas shells and gas projectiles as the police force of Chicago, with a population of almost 4,000,000 souls. Taking the arsenals of these 2 companies together, there were over 1,800 firearms, over 300 gas guns, over 160,000 rounds of ammunition, and over 10,000 rounds of gas ammunition. This would be adequate equipment for a small war.

The committee made a careful analysis of the purposes for which such vast quantities of arms are purchased and stored. It finally came to the conclusion that these arms were purchased not for property protection but rather as a part of labor policy.

In the course of its investigation the committee obtained data on the sales of the three tear-gas companies which supply most, if not all, of the tear-gas equipment sold in the United States. The committee investigated sales totaling over one million and a quarter dollars' worth of tear gas and tear-gas equipment. About half of these sales were to industrial corporations, and about half to law-enforcement bodies. The committee tabulated all purchases made by industrial companies which had bought \$1,000 worth or more of gas during the years 1933 to 1937, inclusive. Out of over \$490,000 worth of gas purchased by these companies, over \$400,000 worth was bought during strikes or when strikes were threatened at the plants of the respective purchasers. An analysis of the causes of these strikes or threatened strikes brings out another startling fact. Over \$360,000 worth of this gas was purchased before or during strikes or threatened strikes in which union recognition was the exclusive or contributing factor. In other words, over two-thirds of the tear gas bought by industrial corporations was bought in the face of demands for union recognition. The committee's report definitely establishes this correlation between hostility to collective bargaining and the purchase of arms by employers.

Employers have told the committee that these weapons were bought for the protection of property; but the very character of the weapons belies this assertion. Submachine guns, gas bombs, long-range gas shells, gas-machine guns are not protective weapons, for they are distinctly aggressive in their function. Employers buy these arms in secret, and take every effort to conceal from employees the fact of their purchase. They buy through dummies, with blind invoices, in boxes with misleading labels. The munitions salesmen justify this practice. As one of them said:

The company may never use it; so why stir up something to make the employees think that the company is ready to gas them when the trouble may never occur, and the gas may never be used?

The point is, however, that if these weapons were really intended simply for the protection of property, the employers would have no need to conceal their purchase. It is the fact that the arms are to be used on strikers, pickets, and in some cases whole communities, that causes such resentment on the part of the employees.

A Republic employee told the committee that a strike was precipitated in Canton, Ohio, in 1935, by the fact that the company was arming. Republic employees in this case noticed that the company was arming a truck in the plant and cutting lead pipe into lengths for the armed guards. As this employee said:

This organization had requested recognition from the management, but we had agreed not to force the issue at the time, and everything seemed to be going along quite all right. They could have dealt with this organization without formal recognition; but when they proceeded to arm cars and cut pipes, preparatory to use

in this strike, this aggravated the men, and they said, "Well, if it is a strike they want, we will have to do it sooner or later anyhow; they are going to force the issue, and we might as well join with Berger when they go on strike." This was the talk in the plant prior to Berger going on strike.

Tear gas and lead pipes are the wrong answer to requests for collective bargaining. Instead of frightening employees into submission, they are more likely to precipitate strikes and bitterness.

During strikes these arms are entrusted either to plant policemen or to professional strike guards. In either case the consequences are disastrous. Plant police departments, as the committee found in its study of the Republic Steel Corporation and the Youngstown Sheet & Tube Co., are sometimes entrusted with the function of carrying out anti-union-labor espionage. Tear gas and machine guns are given to such plant policemen for the same antiunion purposes. The juxtaposition of spy reports and arms in the hands of company police is no accident. Both are weapons against unionism to be used by men skilled in all the practices and the vices of defeating employee organizations.

The munitions companies which sell these devices know that their best market is labor trouble. Like the strikebreaking agency and the labor-spy agency, they hover over the industrial scene awaiting for the first sign of employer-employee friction. They instill in their salesmen a deliberate anti-union attitude. Federal Laboratories, Inc., the largest of these companies, sought to identify the activities of the A. F. of L. in 1934 in taking advantage of the rights embodied in section 7-A with "the danger of revolution in this country." One large company wrote to a salesman:

The best places in this line are in industrial centers, or, at least, centers where labor is employed in large quantities.

One munitions salesman wrote to his office in disappointment, saying:

This thing is not so hot, as there is no labor trouble here, and what they want is just a couple revolvers and a box of shells.

Money is not made in the munitions business by selling ordinary revolvers for the use of watchmen. As one salesman wrote:

Wish a hell of a strike would get under way.

And a little later in his correspondence:

I hope that this strike develops and matures and that it will be a damned bad one. We need the money.

The same feeling runs through the correspondence of other munitions salesmen. A Federal Laboratory salesman in California writes:

Next month should be a good one. Another strike is expected in the Imperial Valley for the cantaloups.

Later on he writes:

Good news, I hope. The milk strike is supposed to break today. Here's hoping it's a good one.

A salesman for the Lake Erie Chemical Co., the second largest tear-gas distributor, writes from St. Louis in 1935:

We are surrounded by strikes, but they are all too peaceful to suit me.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I do.

Mr. CLARK of Missouri. I do not know whether or not the Senator's committee discovered them, but in the old Munitions Committee we saw some of the circulars sent out by one of these munition companies. I do not know whether it was the Federal Laboratories, Inc., or some other concern. Is that concern located in Cleveland or Pittsburgh?

Mr. LA FOLLETTE. Pittsburgh.

Mr. CLARK of Missouri. It was the Pittsburgh outfit whose sales literature we had. It showed a number of men on street corners who had been gassed and completely knocked down, demonstrating the efficacy of this method of attack; and that is the method by which they were selling their wares.

Mr. LA FOLLETTE. That is correct. I am glad the Senator brought up that subject, because we found the exhibit of the Munitions Committee very interesting; and we also placed it in our record, so that it would be more complete.

Mr. CLARK of Missouri. Mr. President, will the Senator yield again?

Mr. LA FOLLETTE. I yield.

Mr. CLARK of Missouri. We also discovered that a salesman for the same Pittsburgh outfit who had been sent to a Central American country reported with great satisfaction to his employers in this country that he had been able to make a very fine demonstration of the lethal effects of some of their gases by inducing the Central American Government to send out from a prison a number of political prisoners and allowing them to be shot at with these death-dealing gases.

Mr. LA FOLLETTE. Our record is replete with similar indications of the callousness and the calculating character of those who were engaged in the business of purveying this type of munitions.

In investigating this traffic in industrial munitions, the committee discovered that it was common practice for industrial companies involved in strikes to purchase gas and other arms and donate them to local law-enforcement authorities. Such donations are often accompanied by repeated demands, and the exertion of pressure upon law-enforcement agencies to take aggressive and unwarranted action against strikers. This practice is not only improper, but it tends to corrupt or coerce public authority. Even officials who have received such donations of arms realize this evil.

The mayor of Johnstown, Pa., Daniel J. Shields, was confronted with evidence that he had received large donations of gas and gas equipment from the Bethlehem Steel Corporation during the 1937 steel strike. Mr. Shields attempted to deny that he had received such gifts. He said:

Here are two fellows at odds. I go to one to get ammunition to shoot the other fellow—how absolutely absurd and ridiculous.

The mayor put his finger on the essential vice of this practice. People engaged in a controversy should not provide public officials with arms to shoot the other fellow; yet this is just what happened in Johnstown, as the record shows, and in many other towns.

In reporting to the Senate on its investigations the committee stated its belief that there should be Federal legislation directed against the possession and use of such industrial munitions and their donation to public authority. Such legislation should be directed against machine guns, submachine guns, and offensive chemical weapons. As the committee said in its report:

These weapons endow the possessor with an overwhelming power of coercion, which, in tense situations, constitutes an incitement to their use. They are not weapons which, in a democracy, can be entrusted to private interests.

III. NECESSITY FOR LEGISLATION—THE PRACTICES ARE INDEFENSIBLE

The practices which I have described and at which the bill is directed cannot be justified. Newspapers and commentators have been unanimous in condemning them. The public reaction to the committee's disclosures has been one of indignation. Editorials have urged that legislation be adopted to abolish these practices. Fair-minded employers who have accepted the principle of collective bargaining have no reason to waste their funds on such practices and would not be affected by this legislation.

Only a minority of powerful employers continue to utilize these practices as a part of their program of resistance to collective bargaining and the national labor policy. Such is the odium that attaches to these practices, however, that even the leaders in this group are compelled, in their public statements, to repudiate them.

Mr. T. M. Girdler, chairman of the board of the Republic Steel Corporation, which created one of the most elaborate private spy networks in industry, came before this committee and denounced the practice of labor espionage. He said:

There is no justification for espionage which is aimed against unionization of employees or which would in any way interfere with their collective bargaining rights.

The Republic Steel Corporation has a uniformed police force of nearly 400 men, whom it has equipped not only with revolvers, rifles, and shotguns, but also with more tear and sickening gas and gas equipment than has been purchased by any other corporation, or by any law-enforcement body, local, State, or Federal, in the country. It has loosed its guards, thus armed, to shoot down citizens on the streets and highways.

Mr. Girdler, however, declared himself in harmony with the principle of our bill. He said:

The breakdown of law-enforcement in any community rests upon the heads of the law-enforcement officials. No private interest should attempt to assume that responsibility. My orders are that during any period of labor trouble or excitement, company guards are not to leave company property and are strictly to avoid violence of every kind.

The Goodyear Tire & Rubber Co. had for years been the largest contributor to the Employers' Association of Akron, whose sole function was to handle industrial espionage for the rubber companies in Akron. In the 4-year period 1933-36, inclusive, the Goodyear Tire & Rubber Co. contributed over \$50,000 to the association. This espionage was carried on by the Corporation Auxiliary Co., notorious labor spy outfit. The spy reports obtained in this fashion were sent to officials of the Goodyear Company as well as to officials of other companies in Akron. Mr. Paul W. Litchfield, president of the Goodyear Tire & Rubber Co., had served for years as a member of the executive committee of the Employers' Association of Akron, and knew of the espionage service it rendered. Nevertheless, he attempted to deny that his corporation used labor spies. He said:

We have not employed any outside agency of espionage or of strikebreaking organizations since I have been president of the factory or manager of the company, so far as I know * * * we did not find any advantage in it, and we rather thought that the motives, sometimes, were that these outside organizations thrived when there was trouble, and we were anxious to have peaceable relations at all times, as far as possible, and we thought it would be better policy for us to have the confidence of our employees rather than ascertain their wishes by that means.

Senator LA FOLLETTE. Did you or did you not find that in the use of industrial espionage it tended to disrupt the good relations between employees and the employers?

Mr. LITCHFIELD. We were inclined to that opinion.

The Goodyear Tire & Rubber Co. was one of the larger purchasers of tear gas and tear-gas equipment in the country. During the year 1935 the company made elaborate preparations in anticipation of a strike. Several hundred employees were chosen for strike duty and given military training by National Guard officers on company property and company time. These men were sworn in as deputies. They were trained in the use of tear gas and in offensive military formations and some of them were told that they might be called upon to break up demonstrations in the public streets. Yet Mr. Litchfield, president of this corporation, told the committee that he did not believe that gas or other munitions should be used in industrial disputes by persons in the employ of a company, party to the dispute. In the course of his examination, I asked him the following question:

Senator LA FOLLETTE. But as a general proposition, then, as I understand it, you believe that in industrial disputes the industries should rely, as other people do, upon the duly constituted law-enforcement officers of the community to handle situations in which there is danger of violence or destruction of property?

His reply was as follows:

I thoroughly agree with that.

The Youngstown Sheet & Tube Co., of Youngstown, Ohio, one of the largest producers of steel in the country, employing over 15,000 employees in Youngstown, Ohio, used the services of the Railway Audit & Inspection Co. to supplement the espionage work carried on through its own plant police. Yet Mr. Purnell, president of the company, took the witness stand to assure this committee that the policy of the corporation was opposed to the use of detective agencies and labor espionage. He gave us his reason, "because I don't think they serve any useful purpose and I think they probably lead to more difficulties at times than good."

The committee found that the Youngstown Sheet & Tube Co. had accumulated an arsenal of weapons in its

plants which overshadowed the military power of the local law-enforcement officers. In Youngstown the company had on hand in 1938, 8 machine guns with 40,260 rounds of ammunition, 190 shotguns with 3,950 shotgun shells, 389 rifles with 16,638 rounds of rifle bullets, 14 long-range gas guns, 24 gas machine guns, and 689 long-range gas grenades. Mr. Purnell attempted to justify the possession of these armaments as a necessary measure of protection against mob violence. Yet during the strike Mr. Purnell took personal precautions to remove the 8 machine guns from the company office and to bury them under a coke pile. He said he took this precaution in order "not to have them available for the itchy fingers of any man that might get excited." No better acknowledgement could be found of the dangers of industrial munitions.

PREVALENCE OF THE CONDITIONS EXPOSED BY THE COMMITTEE

The committee can feel no confidence in such professions of repudiation or reform on the part of employers who continue to resist collective bargaining. It is easy to overestimate the deterrent effects flowing from the committee's investigation. Temporary publicity can never take the place of permanent and enduring legislation.

Mr. BROWN. Mr. President, the Senator has been talking steadily a long time, and I wondered whether an interruption for a moment while I asked him a question or two about specific provisions of the bill would disturb him; or would he rather complete his remarks?

Mr. LA FOLLETTE. If it is agreeable to the Senator, I should prefer to finish my statement.

Mr. BROWN. Does the Senator think the bill will be disposed of today?

Mr. LA FOLLETTE. I do not know; I cannot tell.

Mr. BROWN. I have two or three amendments I should like to suggest, which I do not care to prepare myself, and if the Senator will tell me who drafted the bill, the legislative counsel, or who drafted it, I might put the amendments up to him.

Mr. LA FOLLETTE. The legislative counsel, Mr. Wood, aided in whipping the bill into shape, and I shall be glad to send to the Senator's desk at this time the assistant counsel of the subcommittee, who is now on the floor of the Senate, and I shall be glad to have the Senator discuss the matter with him.

Mr. BROWN. I shall be glad to discuss the amendments with him, and will take them up with the Senator later.

Mr. LA FOLLETTE. The committee is constantly receiving communications from individuals and organizations all over the country alleging that one or the other of these various oppressive practices have been utilized to infringe or curtail their civil liberties. Again and again the committee is asked to make investigations of alleged spy systems, of the use of strikebreakers, or strike guards, and the use of munitions. Since the committee's last hearings, it has received communications begging it to investigate espionage in Chester, Pa., in Indianapolis, in Cleveland, Tennessee, in Michigan, Detroit, Buffalo, and in Virginia. Labor organizations have charged in letters and telegrams to the committee that slugs and strikebreakers have been used against them in Toledo, Ohio; in Chicago; in Sioux City; in Omaha; in Mobile; Memphis; Camden, N. J.; and Tulsa, Okla. From the upper peninsula of Michigan; from Portsmouth, Ohio; West Hickory, Pa.; and New Bedford came reports that vigilante groups or citizens' committees are being formed. On one day the committee will receive a request for investigation from a textile organizer brutally beaten and driven out of a southern town by agents of a textile company; on the next day the committee will hear from a group of employees, in Indiana or Kentucky who believe that they are being blacklisted. Some of these allegations are well substantiated and accompanied by affidavits; others are written by men who have perhaps never found it necessary to write to Washington before. Without investigation it would, of course, be improper to mention the names of these complainants or to infer that all their allegations were well-founded. On the other hand the steady flow

of communications of this nature indicates the need for some continuing medium of safeguarding civil liberties.

This view of the situation was confirmed by the testimony, before the committee, of Mr. William Frew Long, the general manager of the Associated Industries of Cleveland, a man who had for 17 years directed one of the largest open-shop associations in the country and who was familiar with the ways of employers and of detective agencies. Mr. Long is also a leader in the National Industrial Council, an organization of employer associations sponsored by the National Association of Manufacturers. After referring to labor espionage carried on for the purpose of discrimination or preventing union organization, he stated:

You have heard testimony here to the effect that your investigation has discouraged espionage, and I hope it has discouraged the kind that I am condemning right now, but I am afraid the result of your work is more apparent than real. What you probably have done is merely to drive even legitimate investigation by legitimate agencies into the hands of bootleg detectives.

Hardly a week passes that some new so-called detective agency does not send out circulars announcing the discovery of new and more secret methods of spying. One of these circulars is now in the hands of your investigators, and this goes so far as to guarantee that its methods are so effective and so secret that there is no chance of their being detected, and one of them which I turned over to your investigators says that they are so efficient that they can guarantee no undue publicity due to the La Follette investigation.

INFLUENCE OF POWERFUL MINORITY

Even more important than such statements in pointing toward the need for legislation is the fact that those few but powerful employers who utilize such practices wield great influence throughout industry. Interstate corporations, with far-flung plants, they impose the same policies, through their spy systems, or their munitions purchases, in a score of different communities, in a dozen different States. Local factories swept into some larger corporation by amalgamation, or combination suffer a change in labor policy. Armed police supplant the old plant watchmen; espionage is substituted for the former friendly bargaining process.

Such employers may disavow or condemn their oppressive labor practices before congressional committees in Washington, but their conduct in communities where they have plants is very different. There they brook neither interference nor criticism. A highly respected minister in Youngstown, Ohio, ventured to condemn the labor espionage carried on by a great steel company in his town. He had officials of the company in his congregation, who undertook a campaign of active opposition to him, and he shortly found that he had lost his post. In Birmingham, Ala., a leading newspaper criticized the policies of the Republic Steel Corporation. Publicity agents and officials for that corporation sought to bring personal and economic pressure to bear on the editor of the paper. Locally, at least, these corporations do not admit their errors. Rather they make every effort to silence criticism of policies which they are determined to retain.

The powerful minority of employers who utilize oppressive labor practices is well organized. Moreover, it is actively seeking to secure the leadership of organizations which purport to speak for the great majority of employers. Through heavy contributions and internal politics they seek to make these associations an instrument for imposing their autocratic labor policies on employers and their views on the public in general. Their influence is exerted through highly paid propagandists to conceal their own offenses and to raise a public clamor against collective bargaining and bona fide unions. Some of them have fomented citizens' committees and vigilante movements, and they have induced national associations of employers to publicize the techniques of vigilantism. In the name of industrial harmony they have incited to the most dangerous forms of class conflicts. These activities demonstrate that it is folly to expect such powerful and intransigent employers of their own accord to abandon their spies, machine guns, and private armies.

I do not exaggerate when I say that these belligerent employers already exercise an influence in the affairs of employers' associations which is out of proportion to their numbers and their economic significance. Some 45 companies making the largest contributions to or exerting great influence

in the National Association of Manufacturers purchased over 55 percent of the tear gas and tear-gas equipment sold to industry. T. M. Girdler was president of the American Iron and Steel Institute at a time when the bulk of the steel industry had accepted the principles of collective bargaining. E. T. Weir, whose National Steel Corporation is another outstanding purchaser of industrial arms, assumed leadership of the efforts of the National Association of Manufacturers to disseminate propaganda on a lavish scale. W. Gibson Carey, at one time president of the United States Chamber of Commerce, is president of Yale & Towne Manufacturing Co., which utilized the services of two labor spies provided by the notorious National Metal Trades Association to destroy a union of employees in its plant.

The influence that such associations of employers exercise over the labor policies of their members is very real. At times it may even amount to coercion. For advocating acceptance of collective bargaining Gerard Swope was denounced as a "parlor pink" and "a dangerous man" by officials of the National Metal Trades Association. These same officials sought to break down a Philadelphia businessman who advocated compliance with National Labor Relations Act. With the unregenerate minority of employers pressing for leadership in employers' associations, and taking such steps to impose their policies on dissenters, it is obviously impossible to hope that oppressive labor practices will disappear by themselves. Government intervention is a necessity. It will be welcomed by fair-minded employers, for it will relieve them of the unfair competition of employers who secure a business advantage through the use of such devices. Legislation banning such practices is required because employers who use them will neither give them up voluntarily nor relinquish their efforts to impose their policies on the whole of industry.

BENEFIT TO EMPLOYERS

In thus seeking to curb the excesses of a few employers, the bill imposes no burden or restrictions upon the majority of employers who have refrained from these practices. The fair-minded employer is not subjected to any hazards; there are no regulations or orders which change from day to day and which must be obeyed under serious penalties. There will be no administrative interpretations. The offenses are clearly written into the bill for the courts to apply.

The bill does not set up a new Federal administrative. Existing procedures both in the Department of Labor and the Department of Justice are utilized to effect the enforcement of the act. The bill involves neither novel constitutional administrative or regulatory machinery.

The bill does not interfere with the right of the employer to protect his property and his legitimate interests. Under the bill an employer is entitled to the fullest use of legitimate protective equipment; he may police his own premises with his own agents and protect himself against the theft or destruction of his property. He may investigate theft and dishonesty among his employees. Even in time of strike he may secure bona fide workmen to operate his plants on a permanent basis. There is nothing in the bill that will cause concern to the great majority of businessmen.

Indeed, it is the committee's belief that the passage of the bill will ultimately be welcomed even by those connected with companies which now cling to these oppressive practices. The passage of the bill should put an end to the squandering of the money of stockholders on labor spies, strikebreaking agencies, and munitions dealers. It is no exaggeration to say that in the last few years, during the period covered by the committee's investigation, millions of dollars have been spent on oppressive labor practices. The money of the stockholders has made the labor-spy racket and the strikebreaking racket lucrative fields for the crook and gangster. Money paid to such characters is money spent to create industrial strife. The bill will remove from industry the burden of these expenditures and their costly results.

POLICING OF STRIKES VESTED IN LOCAL AUTHORITY

Insofar as industrial disputes and strikes are concerned, it is the fundamental objective of the bill to restore the policing of such situations to the State or local authority. The conduct of strikes, the minutia of local police regulations have no place in the design of this bill. Yet it is clear that the overweening power of powerful companies operating in interstate commerce, exerted through the use of these oppressive labor practices, often results in the infringement of local authority or the impediment or corruption of its functioning. The effect of the proposed legislation will not be to weigh the scales of economic controversy against the employer. Rather it will restore the balance and create conditions in which the authority of the State or locality can be exercised equably toward both employer and employee.

In strikes the maintenance of public order is the exclusive function of public authority. The employer has neither the right to take that function into his own hands, nor the privilege to corrupt local authority in executing it by the gift of weapons or the payment of police. Like other citizens, the employer must look to those officers in whose choice he, like other citizens, has participated, to carry out the functions which have been bestowed upon them. The bill draws a clean line between public and private functions. The employer may not pay the wages of men, whether clothed with the authority of the State or not, to carry arms on the highway or act in the capacity of peace officers. He may not possess or utilize weapons of mass coercion nor give them to complaisant officials to use in his behalf. He may protect his own premises and his property. The protection of his employees is left to the responsible public authority. If this authority is remiss or overzealous in the performance of its duties, that is the concern of the employer no more or no less than it is the concern of other good citizens.

I have heard it suggested that the bill tends to place the Federal Government in the field of local police regulations. Nothing could be further from the truth. Under the bill the Government merely inhibits practices which tend to impede the operation of State police power and create inequality among citizens. By this bill the local police power is strengthened. Its responsibility is clarified and emphasized. With broad strokes the bill wipes out certain fundamental evils which today are practiced by interstate corporations across State lines in ways and through devices which challenge effective State action. State regulation of labor espionage has been successfully flouted by corporations and detective agencies operating in interstate commerce.

I may say in passing, Mr. President, that the State of Wisconsin has had on the statute books for many years what we believed to be an effective regulation of private detective agencies. But during the course of this investigation we found that interstate corporations had found successful means of evading the State statute. The statutory regulation of strikebreaking agencies in one State will result in driving the finks and their masters into adjoining States. These labor-busting interstate businesses require interstate regulations. Once such regulation has been effected, not only will serious impediments to the policy of collective bargaining have been removed but State authority will be restored to its full vigor and encouraged to play its proper role in the policing of such industrial disputes as may occur.

Civil liberties are under attack. In many countries today the black shadow of dictatorship hangs over the lives of ordinary citizens. The press is the voice of the dictatorship; the radio is controlled by the censor; the right to be secure in one's home is no longer respected. Free trade-unions have been abolished. Conversations are reported on by spies; meetings are incited by agents provocateurs. The ordinary citizen lives in fear of the concentration camp and the armed police force of the dictator. The rights of free thought, free speech, free assembly have given way to the rule of autocratic force and the despoliation of civil liberties.

But in America democracy has gone resolutely forward. The national labor policy adopted by the Congress has extended democratic principles and procedures from the political to the industrial sphere. Today millions of workers share, through collective bargaining, in the making of decisions that affect their lives. The ballot box is replacing the machine gun as a means of settling industrial disputes. Industrial workers are being granted the rights of free men in a free country.

In spite of this progress, however, there is still much to be done. There are still factories equipped with machine guns and modern chemical weapons. There are still private armies which are drilled and trained by certain corporations for active combat during industrial disputes. There are still large industrial centers, like urban Harlans, where the constitutional rights of citizens are trampled down by selfish powerful interests.

There are forces within the country which openly clamor for the destruction of civil liberties through the perversion of governmental power. These forces are encouraged by the existence of private tyrannies maintained by private armed forces and by private gestapos. Other democracies which have permitted private armies to operate unchecked no longer exist. The price of liberty is eternal vigilance. Let us not let evils continue to flourish through our own neglect.

Mr. LA FOLLETTE subsequently said: Mr. President, lest there be apprehension in the minds of sportsmen in this country as a result of the colloquy which occurred between the Senator from Michigan [Mr. Brown] and myself, I wish to state that I believe we were talking at cross purposes, because the weapons which are banned, and identified as industrial munitions, and especially those designed to shoot, automatically or semiautomatically, more than one shot without manual reloading, by a single function of the trigger, do not include any automatic rifles or shotguns used by sportsmen. The type of gun which is barred is one which continues to shoot its entire load with one depression of the trigger. So long as the trigger is held down the gun continues to shoot. The bill is designed to cover the machine gun and the sub-machine gun and automatic guns which shoot their entire load with one pull on the trigger, and not the ordinary automatic hunting rifle or shotgun, which, although automatic in character, requires a separate depression of the trigger for each succeeding shot.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	King	Reynolds
Andrews	Davis	La Follette	Russell
Ashurst	Donahay	Lee	Schwartz
Austin	Ellender	Lodge	Sheppard
Bailey	George	Lucas	Shipstead
Barbour	Gerry	Lundeen	Slattery
Barkley	Gibson	McCarran	Smathers
Bilbo	Gillette	McKellar	Stewart
Bone	Glass	McNary	Thomas, Idaho
Bridges	Guffey	Mead	Thomas, Okla.
Brown	Gurney	Miller	Thomas, Utah
Bulow	Hale	Minton	Tobey
Burke	Harrison	Murray	Townsend
Byrd	Hatch	Neely	Truman
Byrnes	Hayden	Norris	Tydings
Capper	Herring	Nye	Van Nuys
Caraway	Hill	Overton	Wagner
Chandler	Holman	Pepper	Walsh
Chavez	Hughes	Pittman	Wheeler
Clark, Mo.	Johnson, Calif.	Radcliffe	White
Connally	Johnson, Colo.	Reed	Wiley

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present.

NATIONAL DEFENSE

Mr. WILEY. Mr. President, today we were privileged to hear the President of the United States deliver in person his message to the Congress. I believe there is unanimity of opinion that the message expressed the general view of the people of the United States.

This is no time for talking about the mistakes of the past 7 years. If, under the present administration, we have not

received full value for the money which has been spent for national defense, it is simply another example of how uneconomical some people can be with the people's money; but I say it is no time to be talking about mistakes. What we are after now—and that is why I am in favor of the additional appropriations which the President has suggested—is that this country get down to “brass tacks” and spend the people's money on a preparedness program which will be a real preparedness program. We cannot now afford to waste our time and energy over spilled milk; but let us not spill any more milk. Let us get hold of practical men, men who know how to build guns which will stop the attack of mechanized units, men who know how to build and will build the best anti-aircraft guns in the world, men who have sufficient practicality and sufficient imagination to build ships more nearly immune to aircraft attacks. We have great values in this country which we want to protect; and we do not want to lose them by negligence which will result in obtaining inferior equipment, or which will give a “fifth column” in America an opportunity to destroy us from within.

I have just listened for an hour and a half to the speech of my distinguished colleague [Mr. LA FOLLETTE] on his bill. I am compelled to leave the city shortly to return to Wisconsin. On the way back I shall study that bill from the angle which has been suggested—that is, that it gives an opportunity to the “fifth column.”

I trust that in our preparedness program, money and men will be provided to set at naught the activities of foreigners or deluded Americans within our borders. The latest in guns, in ships, in anti-aircraft guns, and in mechanized units is of importance; but it is most important to counteract the termites within, the men and women who strike America in her vitals.

I have no objection to a committee which will seek to find out what has become of the \$7,000,000,000 of defense funds which have been spent during the past 7 years. I have no objection to such a committee operating as a fact-finding committee, with the high motive of eliminating grafters, chiselers, and profiteers. I have no objection to that committee learning the lessons which are to be learned, and giving the country the benefit of its findings. However, I do object to diverting America's attention from the challenge of the hour—I mean the need for immediate preparedness, preparedness to protect our own, but not to spend our resources in brawls on other continents; preparedness to evaluate the situation, and, if we find it is the right thing to do, assist our sister democracies of the world in such ways as the people of this country shall determine.

Mr. President, these words bear on the subject of defense and preparedness. What are we preparing against? The answer must be that we are preparing against war within and war without, so that war will not reach our shores.

The President's message dealt almost exclusively with the matter of arms, physical weapons, and the Nation's need for an adequate supply of such defensive materials.

I believe, because America has not yet been swept from her mental moorings, that a large percentage of our people, while they sympathize with the allied cause, feel that we should not again send our boys to Europe. But, Mr. President, how will we feel a month from now if we slip our mental moorings?

That brings up the matter of mental defense, something for which we cannot legislate, but for which each citizen must prepare himself. He must not let hysteria or loose and irrational thinking determine his course or the course of the Nation of which he is an important part. When the brain becomes overheated it cannot rationalize. When men become mentally stampeded they do not think straight. When folks go on an emotional spree they are unfit to handle great values of other people. The Nation looks to this body “with confidence for wise, moderate, patriotic, and healing counsels.”

If the Congress shall appropriate the money requested by the President for an adequate defense, it will do so not with the idea that the militarists or the scatterbrained enthusiasts will have an excuse to carry us into the European

conflict, but solely with the idea of providing insurance for the great American values. In this hour, when this Nation needs direction and guidance from on high, the legislators of the Nation can well bear in mind the statement of the great emancipator, Lincoln, who said, "I have been driven many times to my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom and that of all about me seemed insufficient for the day."

I repeat, the great need of the hour is poise and perspective.

We must make sure that, because of our geographical closeness to the conflict—and I say it is close because of the radio and the telegraph and the airplane—we shall not become so confused as to lose faith in the ultimate success of right and, particularly, in the Christian principles. There is a force that is greater than bursting bombs; there is a source to which man can turn for strength and guidance even in the midst of the holocaust of war. Let us bear in mind that a martyred Christianity survived oppression, science survived darkness, learning survived ignorance, and free democracy will survive oppression and slavery.

Mr. President, may I add, God bless America.

God bless America:

First. With citizens who appreciate her and what she stands for.

Second. Bless her with citizens who will be on guard against "fifth column" attacks, with citizens who will not become mentally stampeded and unbalanced.

Third. Bless her with citizens who will appreciate and maintain her great freedoms—freedom of speech, press, worship, contract, and so forth—and who will also appreciate the great moral virtues—faith in the pledged word, faith in God, and faith in the forward march of mankind.

Fourth. Bless her, O God, with citizens who, through this critical period, can walk with hope and courage, vision, poise, strength, and unity in their hearts and minds and souls.

ELIMINATION OF OPPRESSIVE LABOR PRACTICES

The Senate resumed the consideration of the bill (S. 1970) to eliminate certain oppressive labor practices affecting interstate and foreign commerce, and for other purposes.

Mr. THOMAS of Utah. Mr. President, speaking for a few moments on the pending bill, which is designed to overcome certain oppressive labor practices, probably one could be given no better theme or text than the closing words of the junior Senator from Wisconsin [Mr. WILEY] which he uttered in support of another idea. If we fight ignorance, if we fight the wrongdoer, and if we bring into existence correct practices, of course, we do for the people of the United States and for the welfare of their Government the paramount thing.

It would be extremely out of place on my part to attempt to review or to add to the able and exhaustive statement made by the senior Senator from Wisconsin [Mr. LA FOLLETTE] in support of the pending bill; I do not intend to repeat what he has said, but merely desire to say to the Senate that all he said is, of course, completely true and is taken from the record.

The members of the committee have lived with this subject for nearly 4 years. It has been a constant companion; it has sometimes been a nightmare; and after being so close to it and to the problems which have made the ills which have come into our industrial life so apparent, I have reached the conclusion that I might as well argue for the proposition that a straight line is the shortest distance between two points as to argue for the passage of this bill.

Everything that has been brought out reflects improper and wrong action on the part of certain people in the United States. The spying technique cannot help but be undermining wherever it is used. It hurts the spy; it hurts the person who is spied upon; it hurts the person who hires the spy; and ultimately such a spirit of distrust enters into the body affected that no one trusts another.

The Senator from Wisconsin has called attention to the fact that industry or those who thought they were repre-

sented industry—I do not think they were—have gone to the extreme of hiring spies to spy on spies. Once an idea of that kind takes hold, there is no social relationship possible, because men cannot talk freely with each other; they cannot meet freely with each other; and no one knows whom he may trust.

Mr. President, it has been pointed out that the victim of these spying activities was, of course, the workingman. I doubt whether that is a complete statement. If there is anyone who needs the bill which is before us, it is the employer and the industrialist. He has been the most imposed upon victim. The spy has, at least, a job; he has earned a little money for doing an absurd thing; he has taken money for doing a dishonest thing; but the man who has hired the spy, the industrialist, who finds himself dependent upon a spy, is the one who is the chief sufferer, if I may use that term, in this relationship. Thousands upon thousands, indeed, hundreds of thousands of dollars have been spent in this way to gather useless information.

Let me say in this connection that in our investigations concerning this practice we have not seen a really big industrialist who does not understand and admit, when he is asked the question, that he has employed an agency which will ultimately undermine his own institution. One of the most encouraging things that have come out of the 4 years of investigation and the meeting with persons who have come before the committee to testify is the opinion, at least on my part, that the big industrialist in America, when he realizes how he has been imposed upon, how he has allowed to work to his disadvantage his lack of faith in his own employee, whom he trusts in every other particular except when it comes to according him the opportunity of meeting with his friends, when once he has seen what we may call the error of his ways, has admitted it.

It is heartening to realize that, as a result of the investigation, we have seen a reformation. I am sure it is the hope of all concerned that merely bringing these conditions to light will be all that will be necessary, and, to a certain extent, with the right-thinking person, it has been all that has been necessary, because there has been reformation.

But a law is necessary because, in one of the latest items of testimony in regard to spying, a representative of a great industrial organization testified before us that the mere airing of the spying business, the mere showing of its evils, the mere convincing of those who have used these evil methods is not sufficient; that it would merely drive the spy deeper; it would cause him to work in a more secret way, putting him into such a position that his activities necessarily would be more underground than they have been.

Mr. President, when we realize that some men have ideas of that kind and do not wish to correct an ill which has been proved to them to be an ill, and which they themselves admit is an ill, it is necessary to provide some manner of legislation to help bring about a correction. I repeat, we have had admitted reformation on the part of witness after witness; but each time we have come to the conclusion that men who use their wits for the purpose of imposing upon other men and selling their services, knowing that they are imposing upon other men, will go to every extreme to which they can resort in order to continue their activities, and that the Government must take action in the attempt to overcome these great ills.

In keeping with the thought I have just put forth that men do reform upon seeing the mistake they have made, let me say that I think the wise men in American industry will need no more than a hint of this kind to stop the practice immediately; for, as the Senator from Wisconsin has said, the practice is not general throughout industry in the United States. It is anything but general. The leading industrialists of our country realize the evils of the practice and will not longer be duped by it. But there comes a time when fear enters the souls of men, and when the glib salesman is able to sell a service which he thinks will be profitable to him. The big industrialist is not the one who falls for this kind of employment. It is some second-rate personnel officer, some person

who himself probably lives, in part or largely, by his own wits, instead of as a result of his own accomplishments. It is generally the little fellow who—if I may use the term—actually sells out his employer, and who does the damage in matters of this kind.

Permit me to call attention to the fact that when word that our committee was going to investigate certain practices in one of the great institutions of our country reached that institution a secretary—mind you, a subordinate of an executive officer in a great industrial concern—went to his employer's office and stripped his desk, robbed his own files, and destroyed the files of his superior, in order that, as he thought, the criminal acts or the near-criminal acts or the improper acts—whatever they may be termed—of the concern might not be known and might not be made public; and thus it was time and time again.

In 1936 word reached the Senator from Wisconsin and me that the coal-mine owners in Pennsylvania who were not working their mines were unable to cope with a great evil which arose as a result of unemployment—the coal bootlegging evil, as it was called—and someone representing a munitions organization sold gas to the coal operators, and it was decided that they would plant gas in the mines in an attempt to save the mines from having coal improperly removed. So far, so good. The State, they said, could not protect them. They had to protect themselves. They had to do what they thought would be effective. But, Mr. President, they thought they were buying a harmless gas. They arranged for the delivery of so much gas each week and for a continuous planting of gas in the mines, so that anyone who went there would not be able to steal the coal—and it was stealing—but the mine owners had not thought through the problem at all. They did not know whether the gas operated the same way in the open as it did two or three hundred feet down in a mine. They did not know whether the gas completely evaporated. They did not realize the seriousness of that which they were about to do, because the salesman of the gas-manufacturing concern played up such an extremely good story that they, of course, thought they would buy protection from him.

At the end of the hearing the representative of these institutions stood up and asked permission to make a statement. He said, "It is true we have bought gas. It is true we intended to use the gas; but I think, Mr. Senator, we should not leave here without saying that we have not used any of the gas." Then I ask him, "What about the future?"—and, of course, the gas has not been used. In that instance corrective action was brought about in a minute or two, because we were dealing with reasonable men.

Mr. President, had gassing actually started; had a third party gotten into the picture; had someone representing the rougher elements which we had thrust upon us, designated by names which I will not repeat here, been hired to plant the gas and to take care of it. The owners and employers, those who were ultimately responsible, would have lost control of the situation, and they would have been caused great trouble.

It is because of conditions of this kind that this bill is necessary.

Mr. President, this bill will not correct all the evils. Some of them are exceedingly interesting, as well as exceedingly grave. Certain persons organized themselves together in what was called a missionary effort. Some became great protectors of the Constitution of the United States. We brought before the committee two men who represented an organization with an extremely interesting name which was established for the purpose of "defending and protecting the Constitution of the United States"; and sensible persons were subscribing to this organization. Poor persons throughout the country were victimized of a dollar a year dues or \$2 a year dues, in order that our Constitution might be preserved. When these men appeared before us and we asked them about their organization, we found that it consisted of a typewriter, a room, a desk, and two men. When we asked them how they "protected" the Constitution, we discovered that they did not even know whether the Constitution was a

long document or a short document; they had no idea how many articles there are in the Constitution; yet they were teaching the people of our country about the "protection" of their Constitution, and, I may say, sensible industrialists were actually buying the service.

Mr. President, this is not a bill merely to help the underdog, and to protect him from evil practices. It is a bill to protect men who have been cheated. When a great corporation buys half a million dollars' worth of useless service in a year, the stockholders of the corporation should be interested. The endless chain of easy money, the endless notion of selling disorder by creating more disorder, the endless idea of selling service by creating brutality have all been brought to light. Consistent with what has been the labor and industrial program of our Government for the past 2 or 3 years, the days of blackness may soon be over, because the greatest among our industrial leaders are learning the foolishness of their past ways. Converted to a better system, supported by laws such as this bill proposes I think we may be able to see the end of the spying business, the end of profiting by strikebreakers, the end of the transporting of strikebreakers, and the end of the use of munitions weapons in industrial strife.

Mr. ADAMS. Mr. President, will the Senator allow me to ask him a question as to the term "munitions," unless it would interrupt his discourse?

Mr. THOMAS of Utah. I am through anyway. I shall be glad to yield.

Mr. ADAMS. The term "industrial munitions," which we find at the top of page 5, includes "any weapon which shoots or is designed to shoot, automatically or semiautomatically, more than one shot without manual reloading, by a single function of the trigger." Then, of course, there is a prohibition against anyone furnishing industrial munitions. I was thinking, as a result of a discussion we have been having in the last 2 days about the machine guns and other weapons furnished to the Army and the Navy, whether or not it is clear that such use is not included.

Mr. LA FOLLETTE. Mr. President, will the Senator from Utah yield to me?

Mr. THOMAS of Utah. I yield.

Mr. LA FOLLETTE. There are specific exemptions for Federal, State, and local authorities and agencies to purchase any kind of munitions, including industrial munitions.

Mr. THOMAS of Utah. In addition to what the Senator from Wisconsin has said, I should like to state that arms which are used for purely protective purposes are, of course, exempt, and are not included in this definition. In drawing the bill we have been exceedingly careful to see that all uses recognized as proper shall be protected.

Mr. ADAMS. Then, I assume the duck hunter who has an automatic gun is not included. Perhaps these matters have all been taken care of. My attention was directed to munitions by reason of the discussion we have been having.

Mr. THOMAS of Utah. I think the duck hunter, and the chicken hunter as well, are taken care of.

Mr. KING. Mr. President, I should like to ask the Senator from Wisconsin in respect to the statement he just made—perhaps I misunderstood him. I understood his statement to be that the bill prohibited States or municipalities or counties from purchasing munitions.

Mr. LA FOLLETTE. The Senator from Utah misunderstood me. I said that they would not be restricted in any way.

Mr. KING. I am very glad to hear that.

Mr. BROWN. Mr. President, will the Senator from Utah yield?

Mr. THOMAS of Utah. I yield.

Mr. BROWN. I do not agree with what the Senator from Utah says, if I understand him correctly. If he and the Senator from Wisconsin will turn to section 4, found on page 9, they will find that the possession of industrial munitions "in or about any place of employment" is prohibited. It seems to me that the phrase "place of employment" should be pretty clearly defined. I employ three people in my house in Michigan. I have a .35 Remington automatic rifle in that

house. It seems to me quite clear that under section 4, if it should become law, I would be in violation of the law.

Secondly, in the fall of the year many thousand people cross the Straits of Mackinac to hunt deer in the northern section of Michigan, as they do in the northern section of Wisconsin. They stay at hotels. During the deer-hunting season, in the month of November, in one hotel in my town there may be 150 deer hunters. That hotel is a place of employment, and under section 4 it would be unlawful for a guest of the hotel to possess an industrial munition, which would include a .35 Remington automatic rifle or a Winchester rifle.

Mr. LA FOLLETTE. Mr. President—

Mr. BROWN. Permit me to finish the statement.

Third, as the Senator from Wisconsin well knows, the lumber business in northern Michigan and in northern Wisconsin and in Minnesota is carried on through camps, where sometimes 200 men are employed. We have a law in Michigan which gives hunters a bounty for killing wolves, lynx, wild cats, and animals of that kind, and men in those camps invariably have automatic rifles, which are ordinary sporting rifles. I think those should be exempted from the operation of the proposed law.

Mr. LA FOLLETTE. Mr. President, will the Senator from Utah yield?

Mr. THOMAS of Utah. I am glad to yield.

Mr. LA FOLLETTE. If the Senator from Michigan will look at page 11, section 4, under "Prohibited acts," he will find that subsection (a) reads:

To engage in any oppressive labor practice in or about any place of employment in or about which goods are being produced for commerce.

Obviously a man with a rifle stopping at a hotel is not in a place where goods are being produced for commerce.

Mr. BROWN. Does that apply to section 4 (a)?

Mr. LA FOLLETTE. The Senator's home in Michigan would not be a place in which goods are being produced for commerce. So far as the lumber camp is concerned, those in charge could, under the bill, employ any number of armed guards, and they could equip them with ordinary rifles and revolvers in any number they desired.

Mr. BROWN. If the Senator will permit an interruption there, section 3 (a), on page 8, provides:

For the purposes of this act, it shall be an oppressive labor practice for any person in any State . . . to possess industrial munitions—

Which includes an automatic rifle—

in or about any place of employment.

It does not say anything there about a place where goods are being produced for commerce. It says "any place of employment." It seems to me that the draftsmen of the bill should devote themselves to revamping that language.

Mr. LA FOLLETTE. That is merely a definition of oppressive labor practices, but the prohibited acts, the things which are prohibited by the bill, are defined, and, under section 4, in order for a person to be guilty of any act proscribed by the bill, he has to engage in an "oppressive labor practice in or about any place of employment in or about which goods are being produced for commerce."

Mr. BROWN. But the Senator does not want to characterize the hunter who happens to be stopping at a hotel in northern Wisconsin as being guilty of an oppressive labor practice if he possesses a gun in a hotel where people are employed, or so characterize me if I possess a gun in my home in Michigan. It seems to me that situation should be cleared up.

While I am on that subject, I should also like to call the Senator's attention to subsection 3, on page 8, line 14. Take the case of the guard in a bank which was being subjected to a hold-up. Under the proposed statute I think the guard at the bank could drive the hold-up man off the premises, but the moment he reached the bank's property line he could not go any farther and apprehend the hold-up man, because he would be in violation of the law if he possessed a weapon after he had left the bank property. The same thing would be true

of any other business institution. I know the Senator does not intend that.

Mr. LA FOLLETTE. I do not think the Senator is correct in his interpretation of the provision to which he refers, because, as I stated to the Senator from Colorado in private conversation, this exemption was drawn after consultation with the representatives of the American Bankers' Association. There is a specific exemption for the protection of bank premises and for the protection of goods or money in transit.

Mr. BROWN. Take the case of a railroad detective. If he found someone stealing property from the railroad, he would have a right to apprehend him, if he could, on the railroad's property, but if the culprit stepped across the railroad property line the detective would be guilty of an oppressive labor practice if he chased the man after he had crossed the line. I think simple language could be inserted permitting a railroad detective, under such circumstances, to pursue far enough to apprehend the criminal.

Mr. LA FOLLETTE. I think the Senator is absolutely correct about that, and I should like to have him consider an amendment, inserting on page 8, line 25, after the semicolon, the words "or for the pursuit of persons committing thefts on property of the employer."

Mr. BROWN. I think that would clear up that matter. I understand the bill is to go over for the time being. Perhaps we can straighten out the matters to which I have referred in subsection 4 between now and the time the bill is taken up again.

RESCISSION OF ACTION OF THE TWO HOUSES APPOINTING CONFEREES ON NAVAL APPROPRIATION BILL

Mr. BYRNES. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of considering a concurrent resolution, which I submit and send to the desk, and ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina? The Chair hears none. The Clerk will read the concurrent resolution.

The concurrent resolution (S. Con. Res. 47) was read, considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the two Houses respectively with reference to the appointment of conferees on the bill (H. R. 8438) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1941, and for other purposes, be, and it is hereby, rescinded; and that the bill, with the accompanying papers, be returned to the Senate.

NATIONAL DEFENSE

Mr. REYNOLDS. Mr. President, a few moments ago I was listening to one of my colleagues the junior Senator from Wisconsin [Mr. WILEY], and I was thoroughly inspired by the words which fell from his eloquent lips relating to the dreadful hours through which we are passing at the present time, when it is extremely difficult for one to find peace in one's own soul.

Mr. President, I immediately recalled that some days ago I read a very able and most inspirational editorial in one of the daily newspapers of my home city of Asheville, N. C., and after hearing the words of the Senator from Wisconsin my mind turned to that editorial, and I wish to take this opportunity to read it to Members of this body. The editorial is entitled "Turning to the Word":

TURNING TO THE WORD

The American Bible Society is holding its one hundred and twenty-fourth yearly meeting this week in New York City. From a study of its annually increasing circulation of the Scriptures one would deduce that people are more and more turning to the Bible, that ancient book which speaks in so many languages and penetrates the farthest corners of the earth. Many a man who never read the Book before is beginning to hear in its unchanging accents what at last he finds to be a positive answer to his own and the world's despair.

The American Bible Society has faced this same man before—from the start it has faced him, the man without the Book, symbolized the appalling need that brought the society into being 124 years ago. His plight it was that established the society's first foreign agency in 1836, and the work for the blind a year earlier. It is his wondering, half-distrustful look that keeps translators' and revisers' lamps burning far into the night, and the feet of

the messengers of peace trudging over the highways and byways of 40 countries to bring the glad tidings unto the uttermost.

The man without the Book—there are hundreds of millions who have never even heard of the Book. But where the man without the Book has heard of it, his one-time scorn is not so evident today; his indifference is giving way to the spirit of inquiry, and his troubled soul is a bit more disposed to wonder if here, after all, in this Book which he may have spurned before, is not the answer to the deepest questions he has ever asked himself.

Mr. President, I now wish to bring to the attention of the Members of the Senate one of the most able editorials I have had the opportunity to read in many months past. The editorial is from the pen of the Honorable Jonathan Daniels, the publisher of the News and Observer, a daily newspaper of the capital of my State, Raleigh, N. C. Mr. Daniels, the publisher, is the son of the Honorable Josephus Daniels, a very beloved North Carolinian, who is now our excellent representative at the capital city of Mexico, in the Federal district. The editorial is entitled "For America." Of all times this is the time we should give weight to the words which have been so excellently set down by this able editorial writer. His article is entitled "For America."

There are few Americans who in swift recent days have not in emotional partisanship given all their hopes to the Allies. The new "blitzkrieg" of Germany has moved against the American heart. As that movement stirs even more deeply feeling in this country the need grows for good sense and calm heads in this land.

Of all the time we need to keep calm heads, Mr. President, it is now. The editorial continues:

In this troubled world few Americans any longer oppose preparations for the use of force if such use is made necessary in the defense of America and American institutions.

Certainly that assertion by the editorial writer is true if the applause given the great President of the United States in the House of Representatives today may be taken as evidence.

This land should be prepared as a great power for any eventuality in a world in which almost anything apparently can happen. This, of course, does not mean hysterical waste of motion and money in connection with any such fantasy as the invasion of the United States itself.

But there is no more reason today for American entry into the European war than there was when that war began.

Mr. President, nothing more truthful has been stated by any writer during these trying times.

In time of trouble the first duty of every nation is the consideration of its own interests. Our interest does not lie in the preservation of the British Empire. It lies in the preservation of the peace and the development of the strength and security of the United States of America.

God bless that North Carolina editor. I would that there were more like him throughout the length and breadth of our great Nation.

No nation is going to emerge in full strength from the fighting of this war. Even the victors will be deeply wounded. It will be years at least before any such victor could contemplate a wider adventuring against greater hazards beyond the continent of Europe. In the meantime, this country between the Atlantic and the Pacific has at least as many problems on the other side of the Pacific as it has on the other side of the Atlantic. Its security lies in a balance which can only be served in peace.

He concludes by saying so wisely:

No sensible person, of course, should be blind to the danger that as this war lengthens the possibility of American involvement grows. That should be faced in American hard-headedness and not in American emotionalism. When the world is aflame, those whose safety lies closest to our hearts should be our own sons.

He means American sons.

When men talk of running to the rescue of other nations for whom they are deeply sympathetic, they talk also of the sacrifice of American lives by the hundreds of thousands. Such a course may come, but it should be determined upon by an American Nation acting in grave wisdom in terms of its own welfare and not in any hurry, heedless of the ghastly and profitless sacrifices which would have to be made.

Mr. President, again I say, God bless that able editor of North Carolina, and again I say that I would there were more such men in the United States of America today.

In conclusion, I wish to take this opportunity to say that I am extremely happy that at last I learn that the American people are rapidly awakening to the hazards within their

own midst. After all, the real enemy is the enemy at our feet, in our homes, and at our sides, the "fifth column," the Trojan horses which are here. For 5 years and more I have been preaching all over the United States, as well as in this Chamber, against such enemies, with a view to having enacted into law certain bills which session after session I have introduced in the Congress, the purpose of which is to limit immigration, to keep out Trojan horses by preventing the entry into the United States of such persons as have gone into other countries and brought ruin and destruction to their shores, to their midlands, and to their people. I for one want no Trojan horses in our country.

Further in pursuance of that objective I have, session after session, introduced a bill providing for the registration and the fingerprinting of aliens in the United States. I dare say that when that registration and fingerprinting measure shall be passed, if ever it is passed, many Trojan horses will be found to exist in the United States of America in the form of innumerable members of "fifth columns."

So I say, thank heaven that all Americans now realize that we have "fifth columns" and Trojan horses in the United States of America.

Mr. President, only this morning my heart was deeply touched when I listened to the eloquent words which fell from the lips of our great leader, the President of the United States, when in one of the ablest addresses he ever delivered he made mention of the "fifth column" which I am now talking about for the fifth year.

Mr. President, I ask unanimous consent to have printed in the RECORD as part of my remarks an article by Fred W. Perkins entitled "Report United States Will War on 'Fifth Column.'"

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

REPORT UNITED STATES WILL WAR ON "FIFTH COLUMN" (By Fred W. Perkins)

Reports spread in Congress today that the State Department is planning early action against alleged "fifth column" activities in this country.

Nature of the expected action was not disclosed, but it was assumed to have a connection with the surveillance of certain aliens which was intensified by the Federal Bureau of Investigation soon after the European war began late last summer.

In the House there were other evidences of official cognizance of the possibility that an American "fifth column" might impede the drive for military and naval preparedness or sabotage industries making equipment for the Allies.

UNIQUE MOVE

The Immigration and Naturalization Committee reported out a unique bill, directing the Labor Secretary to arrest and deport to Australia Harry R. Bridges, the Pacific coast labor leader who was recently officially cleared of a charge of subversive activity.

A leader in this anti-Bridges move was Representative JAMES F. VAN ZANDT (Republican, of Pennsylvania), three-time commander of the Veterans of Foreign Wars, who said that it was "part of the program of the American Legion and other veterans' groups."

Mr. VAN ZANDT asserted that Labor Secretary Perkins has "allowed her Department to circumvent the laws and to balk all efforts at deportation of aliens who should have been sent home months and years ago."

FIRST OF ITS KIND

The anti-Bridges bill, believed to be the first of its kind, is based on the theory that if citizenship and American residence can be conferred by special laws, as is frequently done, the same legislative method can be used to deny the privilege of remaining in this country.

Mr. VAN ZANDT said the bill has a prospect of House consideration next Wednesday, and he predicted it would be passed by a big vote.

Another move against aliens by the Immigration and Naturalization Committee was the adoption, in a proposed codification of all laws on the subject, of a provision denying naturalization to any person who within 10 years has been a member or associate of any group promoting overthrow by force of the United States Government, resistance to public authority, or sabotage of property.

AGAINST ALL "ISMS"

Mr. VAN ZANDT said this was "directed against all forms of foreign 'isms.'"

Representative FRED BRADLEY (Republican, of Michigan) has charged existence of a "fifth column" in the American merchant marine, and Representative MARTIN DIES (Democrat, of Texas) threatened yesterday to give names of persons who, he said, have been found by his investigating committee to be ready to betray this country to a foreign enemy.

Mr. REYNOLDS. Mr. President, I understand that yesterday my distinguished colleague the junior Senator from Minnesota [Mr. LUNDEEN] brought to the attention of the Members of the Senate an able editorial published in the Washington Daily News of yesterday, entitled "Swap," which relates to Caribbean possessions of certain nations. Inasmuch as that editorial has already been printed in the RECORD, I shall not ask that it be printed again.

Mr. President, some time ago I introduced in the Senate a joint resolution authorizing the President of the United States to negotiate with the Republic of France and with Great Britain for the acquisition of the Caribbean islands, and of Miquelon and St. Pierre, off the coast of Newfoundland. I take this opportunity particularly to mention St. Pierre and Miquelon, because in the able address delivered by the President of the United States today he mentioned the fact that by airplane one could be transported from Greenland to Newfoundland in 4 hours. If we can persuade the French to deliver to us Miquelon and St. Pierre in part payment of their indebtedness to us, we can establish air bases there, and, if necessary, naval bases; and then we would need have no fear on that score.

In conclusion, Mr. President, in connection with my remarks in reference to the "fifth column," I ask that a portion of an article from the Baltimore News-Post of Thursday, May 16, 1940, which I read this morning coming from the testing-ground military post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore (Md.) News-Post of May 16, 1940]

IN THE NEWS

We have two great defensive efforts to undertake to protect our liberty and democracy here in America.

We must build up our forts and air forces, our Army and Navy, and we must strengthen our spirit of Americanism.

We must fortify our defenses, not only against invading fleets and armies, but against the mining and sapping of subversive influences within the gates.

We have no Marshal Bazaines to surrender a whole army.

We have no Maj. Vikdun Quisling to order our defenders not to resist.

We have no disloyal leaders in high position—we hope and believe—but we have some subversive elements in our citizenry; and we should not tolerate them any more than we should tolerate gaps in the walls of our forts, or weaknesses in our Navy, or defects in our guns.

We should not permit for an instant the existence of a party whose avowed object is the overthrow of our form of government and the destruction of our free institutions.

Norway was weakened by fascism, and when the critical hour came to choose between their native land and their favored theory, the Fascists were found more sympathetic with their nation's enemies than with their nation's defenders.

France has been weakened by communism.

The hammer and sickle of "red" Russia was at one time hoisted over battleships of France in the place of the royal tricolor of the Republic.

There were Communist strikes in the factories making the arms to defend the nation against its enemies.

The ignorant and violent classes of France thought more of the thoroughly disproven theories of Russian bolshevism than they did of the democracy of their own land, which had given them the liberties which they enjoyed and abused.

France arrested and imprisoned or expelled its Communist leaders; but the contagion of communism rotted into the heart of France and destroyed its cohesion and morale.

We in America must act in time before the contagion spreads.

We must proceed against subversion from within, as well as protect against invasion from without.

We must defend our liberties as well as our lands, our institutions as well as our cities and our shores.

We must stimulate the patriotic spirit of Americanism in peace, and we shall then be united and invincible in war.

MOUNTAIN JUDICIAL DISTRICT, STATE OF TENNESSEE

Mr. STEWART. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to consider Senate bill 1681.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. McNARY. Mr. President, I ask that the title of the bill be stated.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1681) to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes.

Mr. STEWART. Mr. President, the bill, which has been favorably reported from the Committee on the Judiciary, provides for the creation of a mountain district in the State of Tennessee.

Mr. McKELLAR. Mr. President, the bill merely provides for the creation of a district, the judge already having been appointed. A similar bill passed the Senate once before.

Mr. McNARY. I do not know that I have any objection; but in the absence of the able Senator from Vermont [Mr. AUSTIN], who is on the committee, and of the Senator from Connecticut [Mr. DANAHY], who is also a member of the committee, I thought it was understood that the bill would go over until Monday.

Mr. McKELLAR. The vote on the bill will go over until Monday, but the Senator from Kansas [Mr. REED] wishes to be heard on the bill this afternoon.

Mr. McNARY. Very well. With that understanding, I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceed to consider the bill.

Mr. STEWART. Mr. President, as I have said, the bill has been favorably reported by the Committee on the Judiciary, and the hearings of the Judiciary Committee have been printed. The bill has been approved by the Department of Justice. The letter from the Attorney General states that he finds no objection to the enactment of the bill.

The Senator from Kansas [Mr. REED] wishes to discuss the bill.

Mr. REED. Mr. President, I agreed to this arrangement only out of deference to my colleagues from Tennessee, for whom I have a very warm affection.

I am definitely opposed to the bill, and I shall take the time of the Senate at this hour only because I shall not be in the Chamber on Monday or any other day next week. The junior Senator from Alabama [Mr. HILL] and I will be occupied on business of the Senate, not on our own personal business.

Mr. President, there is no justification for the creation of a fourth district in Tennessee, as I shall try to demonstrate as rapidly as I can due to the lateness of the hour. Only two States in the United States have more than three districts, which Tennessee now has. One of them is New York and the other is Texas. Tennessee has four judges and three districts.

The junior Senator from Tennessee [Mr. STEWART] was correct in his statement with respect to the Attorney General's second letter on this subject. Last July, if I am correct as to the date, the Attorney General of the United States reported that he had no objection, but previously he had reported that there was no justification for the creation of a fourth district in Tennessee. I ask the junior Senator from Tennessee—it is a pretty hard burden for him—to put into the RECORD the first letter of the Attorney General. This matter came up unexpectedly to me late this afternoon. As I stated, I agreed to the arrangement out of courtesy to my colleagues from Tennessee.

Mr. STEWART. Mr. President, I shall endeavor to obtain a copy of the letter and put it into the RECORD. I think it is in the files of the Judiciary Committee.

Mr. REED. I thank the Senator from Tennessee.

Mr. President, Representative REECE of Tennessee, who lives in the eastern district of Tennessee, appeared before the Judiciary Committee of the Senate and said that the proposed district is unnecessary. The statement of Representative REECE will be found on page 18 of the hearings. I ask that the statement of Mr. REECE be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Representative REECE. The data which I presented tend to show the lack of necessity for the bill. As I stated, I have presented this

information, which was compiled from the records, to bring out the situation for the information of the committee.

Senator NEELY. Do you favor or oppose the bill?

Representative REECE. If a necessity for the bill exists I would be in favor of it. The information and data contained in this memorandum, however, do not indicate a justification for the bill. I take it that the information is correct, since it was taken from the records.

Senator McKELLAR. The increased cost would probably be about as I have indicated.

Representative REECE. Yes.

Senator MILLER. Mr. Reece, this data you have submitted goes more to the question of the necessity for the creation of a new judgeship, does it not?

Representative REECE. No; it has relation also to the district attorney, and the creation of the new district. It was gotten up with that in view.

Mr. REED. Mr. President, I wish the Judiciary Committee of the Senate would be a trifle more careful about piling additional judges and additional districts on top of the present unnecessary and useless number of districts and judges. We

now have, in the United States, about 25 more district judges than there is any use for. I am asking the Department of Justice—and I have no hesitation in giving the Senate this information—to analyze all the districts of the United States, so that at some later date, either in this session or in a coming session, it may be shown that there is no need for all the judges we now have, much less for the creation of additional judgeships. In this case we are asked to create an additional district for the convenience of a fourth and unnecessary judge.

Mr. President, I have before me, from the records of the Attorney General's office, statements showing the pending business in the eastern, middle, and western districts of Tennessee. I ask unanimous consent to have the three statements printed in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

10-year analysis of cases, by classes, filed, terminated, and pending
IN U. S. DISTRICT COURT, WESTERN DISTRICT OF TENNESSEE

	Criminal			United States civil			Other civil			Bankruptcy		
	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year
1930.....	56	348	334	70	58	90	75	73	54	58	47	65
1931.....	70	364	348	86	73	221	182	112	65	80	51	94
1932.....	86	366	367	85	112	658	207	563	94	80	85	89
1933.....	85	441	455	71	563	372	177	758	89	132	111	110
1934.....	71	197	197	71	758	36	271	523	110	42	76	76
1935.....	71	403	312	156	523	157	137	166	776	64	57	183
1936.....	156	374	368	162	238	249	186	301	84	57	52	89
1937.....	73	238	261	50	153	62	155	60	89	23	74	38
1938.....	50	146	176	20	60	51	86	25	38	54	50	42
1939.....	20	328	309	39	25	47	47	25	42	46	58	30

IN U. S. DISTRICT COURT, DISTRICT OF MIDDLE TENNESSEE

	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year
1930.....	619	1,120	782	957	88	111	107	92	72	55	38	89
1931.....	957	1,063	1,131	889	92	202	129	165	89	36	70	55
1932.....	889	842	1,113	618	165	190	197	158	55	56	28	83
1933.....	618	978	915	681	158	149	116	191	83	75	48	110
1934.....	681	152	707	126	191	57	123	125	110	32	61	81
1935.....	126	306	195	237	125	59	114	170	81	40	41	180
1936.....	237	323	308	252	95	137	133	99	59	76	61	74
1937.....	252	319	356	215	99	83	105	77	74	40	58	56
1938.....	215	282	279	218	77	62	59	80	56	50	58	48
1939.....	218	330	222	326	80	55	57	78	48	33	18	63

IN U. S. DISTRICT COURT, EASTERN DISTRICT OF TENNESSEE

	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year
1930.....	204	761	735	230	181	108	111	178	70	78	64	84
1931.....	230	790	814	206	178	183	189	172	84	94	93	85
1932.....	206	944	960	190	172	187	177	182	85	164	119	130
1933.....	190	651	657	184	182	170	167	185	130	192	122	200
1934.....	184	174	293	65	185	85	124	146	200	209	184	223
1935.....	65	403	312	156	146	157	137	166	223	131	125	129
1936.....	156	374	368	162	238	249	186	301	119	152	125	146
1937.....	162	469	494	137	301	147	183	265	146	101	135	112
1938.....	137	480	461	156	265	96	170	191	112	97	103	105
1939.....	156	456	463	149	191	86	128	149	106	98	110	94

¹1935 cases pending error in book. Our figures are correct.

²Pending figures differ from those shown in annual report of 1936, having been revised to correct errors in figures previously reported.

Authority: Reports of the Attorney General of the United States.

Mr. REED. Mr. President, I wish to summarize the situation. I should like to have the attention of the senior Senator from Tennessee [Mr. McKELLAR]. He may not agree with me, but at least I want him to hear what I have to say on this subject, because I am afraid perhaps he may overlook it in the RECORD.

I obtained from the Attorney General of the United States a statement as to the amount of business which was pending and the amount of business which had been terminated during the fiscal year ending June 30 of last year. There had been terminated in all 3 districts 994 criminal cases, and there were 514 criminal cases pending. It is necessary to divide those numbers by 4 to get the number of cases for each judge.

Of United States civil cases, there were 232 terminated and 252 pending.

Of other civil cases, in the 3 districts with 4 judges, there were 186 cases terminated and 187 cases pending.

Reducing that to cases for each judge, there were terminated last year, in the 3 districts combined, 249 criminal cases, with 129 criminal cases pending for each judge, taking an average of the 3 districts with 4 judges.

Of United States civil cases, there were 59 terminated and 63 cases pending.

As a layman, I crave the indulgence of the Senate for discussing these matters in the presence of so many distinguished lawyers, but I have some very profound convictions upon the waste of taxpayers' money and the degradation of the Federal judiciary for purposes of patronage through additional judges and through the various officers of the court.

Of other civil cases, there were terminated for each judge—and I charge the minds of the lawyers with this fact—last year, in the 3 districts of Tennessee, 47 cases, and there were 47 cases for each judge pending.

That is the sorriest showing that can be made in almost any judicial district in the United States.

Mr. McKELLAR. Mr. President, one moment, if the Senator will permit an interruption.

Mr. REED. Certainly.

Mr. McKELLAR. Did the Senator say there were 47 cases of all kinds?

Mr. REED. Oh, no.

Mr. McKELLAR. The Senator has just read some other figures which are very different from those. How many cases of the various kinds have these courts decided?

Mr. REED. I beg the pardon of the senior Senator from Tennessee. I am now referring to the other civil cases, which are civil cases between private litigants, as distinguished from civil cases in which the United States is a party, and from criminal cases.

Mr. McKELLAR. The Senator did not say that, as I understood him. For that reason I wanted to make the correction, because I am quite sure that, according to the figures which the Senator read, there were over 400 cases to each judge, taking all the cases.

Mr. REED. I will state the figures as I have them from the Attorney General's office.

Taking civil cases, which are between private litigants alone—and my lawyer friends all agree that such cases are, after all, the important cases—110 were terminated and 94 were pending in the last fiscal year, ending June 30, 1939, in the eastern district of Tennessee.

In the middle district, 18 civil cases were terminated and 63 cases were pending at the end of the fiscal year.

In the western district, 58 civil cases were terminated and 30 civil cases were pending.

I ask the Senate to consider what it means when a Federal judge has only 30 cases on his docket, when we bear in mind that in every case of any importance one side or the other does not want the case ever to be decided. It is not the fault of the court. It is not necessarily because of congestion of the docket. Delays are brought about by the attorneys upon one side or the other in the interest of their clients.

Mr. President, I ask unanimous consent to have printed in the Record at this point the table to which I have referred, which was furnished me by the Attorney General's office.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

TENNESSEE

Cases terminated and pending, June 30, 1939

	Criminal		United States civil		Other civil	
	Terminated	Pending	Terminated	Pending	Terminated	Pending
Eastern.....	463	149	128	149	110	94
Middle.....	222	326	57	78	18	63
Western.....	309	39	47	25	58	30
Total.....	994	514	232	252	186	187
Average per judge....	249	129	59	63	47	47

Mr. REED. Mr. President, I am not kidding myself about this matter any more than I did last year, when I spent some time in discussing the general situation, or a few weeks ago, when I occupied the floor upon this subject for most of 3 days. I am going to be defeated. The Senate unnecessarily, unwisely, without justification, will probably authorize the creation of this additional district, which, however, does not make it right. I am going to continue this line of discussion of the Federal judicial situation as long as I am a Member of this body; and, thank God, if I live—and my health is pretty good—for 4½ years, and a little longer, the Senate is going to have to listen to me upon matters of this kind.

I think it is an outrage upon the taxpayers; I think it is a degradation of the Federal judiciary, to create the additional judges provided for in House bill 7079, and to create an additional district in Tennessee. No additional judges in Tennessee are contemplated in this bill, because they have

about two judges too many now. It is the desire of my good friends the senior and the junior Senators from Tennessee to create an additional district, perhaps out of local pride, perhaps for the convenience of the judges, perhaps for some other reason; but, for whatever reason, Mr. President, creating an additional judicial district in Tennessee has no possible justification in the facts.

The senior Senator from Vermont [Mr. AUSTIN], a member of the Judiciary Committee, is not present. He has told me that in the committee he objected as vigorously as he could to the creation of this additional district. The junior Senator from Connecticut [Mr. DANAHY] is not present. He is a member of the Judiciary Committee. I entered into this discussion, as I said, by unanimous consent, wholly out of courtesy to my very good friends the senior and the junior Senators from Tennessee, because I shall be absent all of next week.

Mr. McKELLAR. Mr. President, I want to thank the Senator. In accordance with the agreement, we will allow the matter to be laid aside and go over until Monday, when we hope to get a vote on it when the Senator from Vermont [Mr. AUSTIN] is present.

I thank the Senator.

ACCEPTANCE AND DEDICATION OF PAINTING, SIGNING OF THE CONSTITUTION

Mr. BARKLEY. Mr. President, the Senate will recall that some time ago Congress passed a law empowering the Joint Committee on the Library to employ a painter to paint the scene depicting the signing of the Constitution. The painting has been finished, and it is desired that in the very near future there be a brief ceremony in the rotunda accepting the painting. Its location in the Capitol will be determined by the Joint Committee on the Library and the Architect of the Capitol.

In order to provide for the ceremony, Senate Concurrent Resolution 45 was submitted, and is now on the calendar. I ask that it now be taken from the calendar and considered.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Is there objection to the present consideration of the concurrent resolution?

Mr. McNARY. Mr. President, the concurrent resolution came from the Committee on the Library; did it not?

Mr. BARKLEY. It did.

The PRESIDING OFFICER. The Senator is correct.

There being no objection, the concurrent resolution (S. Con. Res. 45) authorizing the temporary placement in the rotunda of the Capitol of a painting of the scene at the signing of the Constitution, and the holding of ceremonies in connection therewith, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That the commission authorized to employ an artist to paint a painting of the scene at the signing of the Constitution, created by Public Resolution No. 11, approved April 20, 1939, be, and it is hereby, authorized to place temporarily in the rotunda of the Capitol the painting by the artist employed by the said commission, and to hold ceremonies in the rotunda on the said occasion.

The Architect of the Capitol is hereby authorized to make the necessary arrangements for the ceremonies, the expenses of which shall not exceed the sum of \$1,000, of which one-half shall be payable from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the commission.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House further insisted upon its disagreement to the amendments of the Senate numbered 35, 36, 37, 38, and 39 to the bill (H. R. 9007) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TARVER, Mr. HOUSTON, Mr. SHEPPARD, Mr. HARE, Mr. ENGEL, and Mr. KEEFE were appointed managers on the part of the House at the further conference.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nominations of sundry doctors to be assistant surgeons in the United States Public Health Service.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Navy nominations are confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. BARKLEY. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Marine Corps nominations are confirmed en bloc.

That completes the calendar.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until Monday, May 20, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Nominations confirmed by the Senate May 16 (legislative day of April 24), 1940

PROMOTIONS IN THE REGULAR ARMY

John Griffith Booton to be colonel, Ordnance Department.
Frederick Gilbreath to be colonel, Cavalry.

George Richmond Hicks to be colonel, Infantry.
James Blanchard Crawford to be colonel, Coast Artillery Corps.

Haig Shekerjian to be colonel, Chemical Warfare Service.
Benjamin Curtis Lockwood, Jr., to be colonel, Infantry.
Harrison Henry Cocke Richards to be colonel, Air Corps (temporary colonel, Air Corps).

Carroll Armstrong Bagby to be colonel, Infantry.
Arthur Bayard Conard to be colonel, Cavalry.
Gregory Holsington to be colonel, Infantry.
Jesse Amos Ladd to be colonel, Infantry.
Paul William Baade to be colonel, Infantry.
Frank Curtis Mellon to be lieutenant colonel, Field Artillery.

Donald Wilson to be lieutenant colonel, Air Corps (temporary lieutenant colonel, Air Corps).

John Derby Hood to be lieutenant colonel, Cavalry.
Claude Greene Hammond to be lieutenant colonel, Infantry.

James Patrick Moore to be lieutenant colonel, Infantry.
Dorris Aby Hanes to be lieutenant colonel, Quartermaster Corps.

Frank Austin Heywood to be lieutenant colonel, Quartermaster Corps.

John Jacob Bethurum Williams to be lieutenant colonel, Field Artillery.

William Henry Halstead to be lieutenant colonel, Infantry.
Randolph Gordon to be lieutenant colonel, Infantry.

Charles McDonald Parkin to be lieutenant colonel, Infantry.

Philip Coleman Clayton to be lieutenant colonel, Cavalry.
William Hays Hammond to be lieutenant colonel, Infantry.

Theodore Russell Maul to be lieutenant colonel, Quartermaster Corps.

John Amos Nelson to be lieutenant colonel, Quartermaster Corps.

Joseph Leonard Tupper to be lieutenant colonel, Infantry.
William Francis Heavey to be lieutenant colonel, Corps of Engineers.

Robert Marks Bathurst to be lieutenant colonel, Field Artillery.

Daniel Noce to be lieutenant colonel, Corps of Engineers.
Willis Edward Teale to be lieutenant colonel, Corps of Engineers.

Clark Kittrell to be lieutenant colonel, Corps of Engineers.
Clarence Page Townsley to be major, Field Artillery.

Robert Hilton Offley to be major, Infantry.
John Mesick to be major, Field Artillery.

Francis Parker Tompkins to be major, Cavalry.
John Arthur Weeks to be major, Quartermaster Corps.

Frederick William Gerhard to be major, Chemical Warfare Service.

Cornelius Comegys Jadwin to be major, Cavalry.
Jacob Gunn Sucher to be major, Ordnance Department.

Howard Harvey Newman to be major, Coast Artillery Corps.
Richard Gray McKee to be major, Infantry.

William Lillard Barriger to be major, Cavalry.
Frederick Williams Fenn to be major, Cavalry.

Joseph Charles Kovarik to be major, Infantry.
Jonathan Lane Holman to be major, Ordnance Department.

Wynot Rush Irish to be major, Infantry.

Francis Earle Rundell to be major, Quartermaster Corps.
Royal Adam Machle to be major, Infantry.

Leonard Randall Nachman to be major, Infantry.
Clark Hazen Mitchell to be major, Field Artillery.

William Maynadier Miley to be major, Infantry.
George Baird Hudson to be major, Cavalry.

Harry Clay Mewshaw to be major, Cavalry.
Alfred Armstrong McNamee to be major, Infantry.

Francis Joseph Achatz to be major, Field Artillery.
Leon Calhoun Boineau to be major, Infantry.

Harold Wilbert Gould to be major, Infantry.
George Bittmann Barth to be major, Field Artillery.

Harry Benham Sherman to be major, Infantry.
Frank Thorpe Turner to be major, Cavalry.

Thomas Quinton Donaldson, Jr., to be major, Cavalry.
Philip Edward Gallagher to be major, Infantry.

Carroll Kimball Leeper to be major, Infantry.
Charlie Quillian Lifsey to be major, Quartermaster Corps.

Hugh McCalla Wilson, Jr., to be major, Quartermaster Corps.

Robert Trueheart Foster to be major, Infantry.
Frederick von Harten Kimble to be major, Air Corps (temporary major, Air Corps).

William Jones Hanlon to be major, Air Corps (temporary major, Air Corps).

John Harold McFall to be major, Finance Department.

Howard Arnold Craig to be major, Air Corps (temporary major, Air Corps).

Barney Leland Meeden to be major, Quartermaster Corps.

David Robert Stinson to be major, Air Corps (temporary major, Air Corps).

Joseph Theodore Morris to be major, Air Corps (temporary major, Air Corps).

George Wald to be major, Quartermaster Corps.

Don Elwood Lowry to be major, Quartermaster Corps.

PROMOTIONS IN THE NAVY

To be rear admiral

Ferdinand L. Reichmuth

To be captains

Lyell St. L. Pamperin

Robert A. Hall

Wells E. Goodhue

Otto M. Forster

To be commanders

William N. Updegraff

Lewis R. McDowell

Homer F. McGee

Calvin M. Bolster

Charles Allen

William H. Galbraith

Grayson B. Carter

Alexander J. Couble

Samuel B. Ogden

Warner W. Angerer

Frank E. Vensel, Jr.

Harold C. Fitz

Harry F. Newton

Royal W. Abbott

Karl Schmidt

Richard R. Hartung

Joseph W. McColl, Jr.

Jennings B. Dow

Floyd J. Nuber

John E. Gingrich

Jackson R. Tate

Cato D. Glover, Jr.

To be lieutenant commanders

Charles S. Weeks

Willis H. Pickton

Douglas E. Smith

To be lieutenants

Paul H. Grouleff

Porter Lewis

Richard V. Gregory

Selden C. Small

To be paymaster

William R. Calvert

To be pay inspectors

Daniel M. Miller

Charles H. Gillilan

William C. Colbert

James M. McComb

Leon I. Smith

Hunter J. Norton

James E. Hunt

Everett W. Brown

To be assistant paymasters

Henry L. Beardsley

Newell F. Varney

John Burkhardt, Jr.

John C. Burrill

Strong Boozer

Wilton G. Bourland

Irwin T. Brooks

Andrew W. Prout, Jr.

Harry J. P. Foley, Jr.

Edward J. Bryant

William J. Salmon

William P. Watts

Sheldon C. St. John

Eugene R. Blandin

To be chief boatswain

Troy Brashear

To be chief machinist

Lynn W. Childs

To be chief pharmacist

Albert M. Gullledge

MARINE CORPS

To be colonels

Raphael Griffin

David L. S. Brewster

To be majors

Herbert P. Becker

Charles L. Fike

William C. Purple

Harold D. Harris

To be captains

John W. Sapp, Jr.

Floyd B. Parks

POSTMASTERS

ARKANSAS

Roy M. Craig, Newark.

SOUTH DAKOTA

Clyde E. Cunningham, Estelline.

Ralph V. Millstead, Philip.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 16, 1940

The House met at 11 o'clock a. m. and was called to order by the Speaker.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou, who hast brought us to the light of this new day, we thank Thee for the innumerable blessings wherewith Thou dost crown our lives. Help us to be grateful not only for the joys that cheer us, but also the trials and tribulations that teach us to put our trust in Thee.

When we think of the revelation which Thou has made of Thyself, we know that man has not been created for failure, but for victory. Deliver us from that debasing cynicism which would have us believe that the human heart is so desperately wicked that wars and strife are inevitable and necessary. May we not break faith with our better self and allow our vision of the kingdom of righteousness and truth to become eclipsed by despair.

Grant that Thy blessing of wisdom may rest in an abundant measure upon our President, our Speaker, and all Thy servants whom Thou hast called to positions of leadership during these difficult and perilous days. Fill us with a high and holy aspiration to know and do Thy will more perfectly. May we hold our own wishes in suspense until Thou dost declare that will unto us. May peace and prosperity be the glorious possession of men everywhere.

Humbly and confidently we would continue to pray and labor for the coming of the Kingdom of our Lord and Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9109. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1941, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. OVERTON, Mr. GLASS, Mr. THOMAS of Oklahoma, Mr. CHAVEZ, Mr. KING, Mr. NYE, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1036) entitled "An act to authorize the purchase of certain lands adjacent to the Turtle Mountain Indian Agency in the State of North Dakota."

JOINT MEETING OF THE TWO HOUSES OF CONGRESS

Mr. RAYBURN. Mr. Speaker, I offer a privileged resolution which I send to the Clerk's desk.

The Clerk read as follows:

House Concurrent Resolution 67

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, the 16th day of May 1940 at 1 o'clock p. m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The resolution was agreed to.

And a motion to reconsider was laid on the table.